

SAN FRANCISCO PUBLIC LIBRARY



3 1223 08817 4728

5/S



San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the library



Digitized by the Internet Archive
in 2014

<https://archive.org/details/civilgrandjuryre2009cali>

2009 - 2010

CIVIL GRAND JURY

REPORTS



**CITY AND COUNTY OF
SAN FRANCISCO,
CALIFORNIA**

2009 - 2010

CIVIL GRAND JURY

REPORTS



**CITY AND COUNTY OF
SAN FRANCISCO,
CALIFORNIA**

GOVERNMENT
DOCUMENTS DEPT

JUN 21 2011

SAN FRANCISCO
PUBLIC LIBRARY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
GRAND JURY

OFFICE
400 MCALLISTER STREET, ROOM 008
SAN FRANCISCO, CA 94102
TELEPHONE: (415) 551-3605

June 30, 2010

The Honorable James J. McBride
Presiding Judge
Superior Court of California
County of San Francisco
400 McAllister Street, Dept. 206
San Francisco, CA 94102

Dear Judge McBride:

The 2009-2010 Civil Grand Jury for the County of San Francisco hereby submits its final reports. The Jury looks forward to the receipt of the required responses and to the future hearings before the Board of Supervisor's Government Audit and Oversight Committee. The Jury wishes to express its gratitude for the opportunity to serve the citizens of San Francisco and for the experience of serving on this venerable and important institution.

The Jury is most appreciative of the City officials and employees who responded to our request for information, documents, and interviews. The jury also wishes to recognize the court staff, which promptly and graciously provided assistance. In particular, the Jury wishes to thank Gary Guibbini for his invaluable presence, his responsiveness, and his kindness.

Finally, the Jury wishes to acknowledge and thank you for recognizing the value of the Civil Grand Jury, your responsiveness to our inquiries, and your wise counsel throughout the term.

Very truly yours,


Leslie A. Koelsch
Foreperson
2009-2010 Civil Grand Jury

The Members of the 2009 – 2010 Civil Grand Jury
for the City and County of San Francisco

Leslie Koelsch, Foreperson
Patricia L. Gibson, Secretary

Miriam Chall
Aubrey O. Dent
David S. Drabkin
Shirley Hansen
Leonard A. Kully
Kalane E. McDonald
Miriam Mueller
James J. Neidel
Peter C. Robinson
Rodel E. Rodis
Abraham A. Simmons
Frederick L. Stout
Craig B. Weber
Lars M. Vistnes
Robyn Wells
Ozro E. West

TABLE OF CONTENTS

- Tab 1 Americans with Disabilities Act: Is San Francisco
in Compliance?
- Tab 2 Sharing the Roadway: From Confrontation to
Conversation
- Tab 3 Pension Tsunami: The Billion Dollar Bubble

2009-2010 Civil Grand Jury

City and County of San Francisco

**AMERICANS WITH DISABILITIES ACT:
IS SAN FRANCISCO IN COMPLIANCE?**

Report Released: APRIL 2010

Purpose of the Civil Grand Jury

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Penal Code section 905, California Constitution, Article I, Section 23). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task, the grand jury is divided into committees, which are assigned to the respective departments, or areas, which are being investigated. These committees visit government facilities, meet with public officials and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00-4:30)
- in person at the Grand Jury Office, 400 McAllister Street, Room 008, San Francisco, CA 94102.
- online by completing the [application](#) at

<http://www.sfsuperiorcourt.org/Modules/ShowDocument.aspx?documentid=1988>

State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or identifying information about individuals who provided information to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must either report (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of this report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, Sections 933, 933.05.)

PURPOSE OF THIS REPORT

The purpose of this report is to review the status of Title II compliance of the Americans with Disabilities Act (ADA 1990) by the City and County of San Francisco, and to support the Mayor's Office on Disability (MOD) in achieving that mandate within a reasonable time. Title II requires the facilities, programs, activities, and services of State and local governments to be made accessible to persons with disabilities.

I. SUMMARY

The 2009/2010 Civil Grand Jury initiated an investigation to determine what has been done to comply with the 1990 Americans with Disabilities Act (ADA) and what, if anything, remains undone in order to complete the compliance with the Act.

The Jury identified three areas where support is needed in order for full compliance to be achieved:

1. The citizens' grievance procedures
2. The Facilities Transition Plan (FTP)
3. Training programs for City staff, especially for the public contact personnel at the San Francisco Police Department (SFPD) and Municipal Transportation Agency (MTA)

There are many areas in which further work needs to be done, nevertheless much has been accomplished, and the Civil Grand Jury finds it appropriate to extend its compliments for the dedication, effort, and achievement of the personnel in the Mayor's Office on Disability (MOD) and the Department of Public Works (DPW). Their efforts have brought San Francisco global recognition for leadership and achievement of accessibility for its disabled residents and visitors.

II. INTRODUCTION

It has been twenty years since the ADA was passed. The 2009/2010 Civil Grand Jury investigated the status of Title II compliance in the City and County of San Francisco. Within the past ten years, the current Mayor's Disability Council (MDC) and the Mayor's Office on Disability (MOD) were established. Both are dedicated to achieving a broad array of responses to the 1990 mandates. Studies and evaluations were conducted, response plans devised, programs annually funded, and virtually every department and service of the City became involved.

A tremendous amount of work has been accomplished to date, but more remains. The primary focus of the Jury was to determine what remains undone, and whether San Francisco is on a reasonable track for the completion of compliance projects.

III. METHODOLOGY

Information was gathered by extensive review of material available on the Internet, examination of studies and documents, and through confidential interviews with highly placed individuals in the Offices of the Mayor, the City Controller, the MTA (MUNI), the DPW, the City Attorney, and the San Francisco Police Department. Observations by and personal experiences of San Francisco residents were also taken into consideration.

IV. DISCUSSION OF INVESTIGATION

Title II of the 1990 Americans with Disabilities Act (ADA) mandated local governments undertake reasonable accommodation(s) to render facilities and programs accessible to persons with disabilities. By 1999 the current Mayor's Disability Council (MDC) was established and the Mayor's Office on Disability (MOD) re-created to direct the efforts of the City and County of San Francisco to comply with those mandates. The 2000 census indicates some 150,000 San Francisco residents are disabled; that is nearly one San Franciscan in five, and the proportion could significantly increase as the population ages. San Francisco is in the forefront of compliance activities, and is consulted regularly by other jurisdictions both in the United States and internationally. The MOD became a focus of the investigation as it is responsible for a very broad range of duties: advising and training the staff of every city department; assisting in the design and direction of the Facilities Transition Plan (FTP - San Francisco's program for architectural barrier removal); implementing a new process for disabled citizen's input (a new grievance procedure); and advocacy for the full incorporation of disabled persons to all public programs and services.

The 2000/2001 San Francisco Civil Grand Jury investigated the Mayor's Office on Disability and the Mayor's Disability Council. Since the release of that report, the recommendations have been addressed and/or adopted. The recommendations were concerned with the structure and authority of the MDC and MOD, and the completion and publishing of the self-evaluation for City departments (late 2001) and the transition plan (mid-2002). These materials formed a basis for the report Toward Unobstructed Access (mid-2004) that became the foundation for compliance achievement. A brief timeline of disability actions dating back to 1984 can be found in the 2000/2001 Civil Grand Jury report.

The activities of the MOD span a very broad range of practice and disciplines with only three staff members and a budget of \$600,000 per annum. The Jury reviewed three activities for further discussion. These are:

- 1 - The citizens' grievance procedure
- 2 - The Facilities Transition Plan (FTP)
- 3 - Training programs for City staff, especially at SFPD and MTA

While the ADA does not specify any compliance completion date, San Francisco may be vulnerable to litigation where required accessibility has yet to be achieved. There is then

a sense of urgency to complete as much as possible as soon as possible. Settlements of past lawsuits (such as ADA Task Force, et al., v. CCSF, 1997 (settled 1999), Cherry v. City College of San Francisco, 2001 (settled 2006), King v. CCSF, 2007 (settled 2009)) have required the expenditure of millions of dollars toward Title II compliance, court costs, and attorneys' fees. The 1997 case settled for \$18,000,000, the 2001 case settled for \$20,000,000, and the 2007 case settled for \$4,000,000 (per year).

The City of Seattle was sued five years ago for their level of Title II compliance and settled on a twenty-year plan to achieve the ADA mandates. Caltrans also has been taken to court and was directed to reach compliance in thirty years. There are civil cases large and small currently working their way through the courts aimed at the Title II compliance of the City, and many departments are involved as expert witnesses in defending the City. These cases could be costly but may readily be settled due to the extensive efforts underway to meet and surpass the Title II mandates.

1) Grievance Procedures

The ADA requires public entities to adopt "procedures providing for prompt and equitable resolution of complaints alleging" violations of the ADA. The City has developed an alternative to filing a complaint with the U.S. Department of Justice (DOJ) for residents to raise ADA Title II issues involving the programs and facilities of San Francisco called the Grievance Procedure. Complaints are taken, investigated, verified, and forwarded to the appropriate agency for resolution. Assistance for the City agency is available through the MOD for their response to the complaint, as well as the client raising the concern.

The MOD receives over 110 contacts from citizens each month. The majority of these contacts turn out to be requests for information, referrals, and general ADA questions or services. However, 10% are written complaints which require a significant investment of time by staff. The process includes conversation with the complainant, evaluation, and verification of the complaint by staff trained in the specific needs of the disabled. Only legitimate issues are presented to the appropriate departments, thus avoiding unnecessary work hours by individual departments.

In order to accomplish timely responses to the current numbers of complaints, the MOD stated the need for 1.5 full time equivalents (FTEs) for intake, verification, and direction of each case. An average of ten hours is needed per case. The staff dedicated to the handling of the grievance procedure was eliminated in the 2009/2010 budget. As the grievance procedure becomes more widely publicized, the number of contacts will increase. Staffing levels will need to increase accordingly.

2) Facilities Transition Plan

The Facilities Transition Plan (FTP) has evolved from architectural barrier removal projects dating from the early 1970s, and has been updated periodically. The latest revision covering curb ramps and sidewalks was released in 2008. As stated in the 2008

FTP, there are 46,500 locations in the city. Only about 10,800 have curb ramps considered safe and usable. The remaining locations either have no ramps or ramps that need reconstruction to meet current standards. The San Francisco Capital Plan for 2009-2018 contains a schedule for the funding to address an inventory of over 17,728 corners in every district. To date the pace and funding levels have been maintained with no deferrals. Both the MOD and the Department of Public Works (DPW) stress the need for consistent levels of funding in order to maintain momentum and expertise. Any reduction of monies, however temporary, will likely result in the elimination of staff positions and cause unreasonable delays. When funding returns a new staff would have to relearn the practices and specifications already developed. The MOD assists in the design and some of the funding for the curb ramps and the DPW performs the construction work. The DPW has estimated a cost of almost \$14,000 per corner for curb cuts (see comments). The average number of curb cuts per corner is 1.8 (one cut for each crossing direction) which totals an average of \$56,000 for a four point intersection. This seems like a large amount of money, but each site requires individual assessment and design work by teams of skilled personnel as utility conduits, drainage grates, and physical layout of intersections are not standard. The task is very labor intensive due to the very nature of the work itself.

The major obstacle to accelerating the completion of curb ramps is financial. The departments performing the modifications are balancing staff levels with available funding in a direct correlation. As funding increases, so will the staff (and their level of expertise), and the number of locations brought into compliance. In order to achieve the goal with regard to curb cuts of the FTP in ten to fifteen years, the DPW would have to enlarge and train its staff. To achieve the goal of the FTP in less than ten years is possible but would require the DPW to outsource a significant portion of the work to private parties. The use of private contractors for curb cuts is likely to raise the cost of a curb cut significantly (DPW, 2010).

There are side benefits to staff expansion. These would include positive effects on the Better Streets Plan (a comprehensive set of street design guidelines to meet social, recreational, transportation, and ecological goals), and water runoff projects. They would also allow increased attention and resolution of the most complex and difficult sites to commence, increase and broaden the expertise in design, management, and execution of all public works projects. This experience and expertise is salable to other jurisdictions (consultations, etc.) and has the potential to generate revenue. San Francisco is seen as a global leader in accessibility and departments such as the MOD and DPW are consulted regularly by outside jurisdictions concerned with a broad range of accessibility issues and categories.

Another major barrier for disabled persons is the condition of sidewalks. Cracks, rough and missing pavements, tree stumps, missing street trees and/or the grates at the base of the trees, flags (pavement sections of a sidewalk) displaced by tree roots, inconsistent curb heights, and loose or missing utility covers are among the most common obstacles for foot travelers. Often property owners do not make the repairs even after official notification to do so, leaving the task to the DPW. The work will be done and the

property owners will be charged for the cost of the repairs either directly or by an assessment on their property tax bills. This process impacts the financial state of the DPW, as costs must be floated until payments are made by the property owner, necessitating the development and maintenance of a significant separate fund for that purpose.

In 2005 the DPW conducted a survey of 450 blocks to assess the sidewalk issue and by extrapolation determined the cost of repairs city wide to be in the range of \$250,434,000. The vast majority of the financial responsibility for sidewalk repair lies with property owners, State, and Federal jurisdictions. It is estimated that the City would be responsible for only \$10,000,000 to \$20,000,000 of that total. The cost estimate for full curb ramp completion is also in the range of \$250,000,000, totaling over \$500,000,000 in capital spending for street accessibility accommodations. These figures far exceed the amounts currently budgeted, and will most likely require a dedicated bond issue to make up what is not covered by the many and varied sources of available funds.

Planned and contemplated transit network adjustments (routes altered, eliminated or condensed, relocated stops, etc.) give an opportunity to correct the inconsistent layout of public transit boarding areas and site suitability, although this issue is not often reviewed very well. New construction and works performed by utility companies reduce the financial exposure of the City (DPW, 2010).

An additional responsibility of the DPW is the function of enforcement for the incursions to the public right of way. These include scaffolding, street tables/chairs, merchant signage, etc., whether permanently or temporarily installed, even parked cars in some situations. More than half of the complaints received by the DPW for sidewalk incursions violations are due to temporary conditions. Contractors who have been 'unaware' of the requirements for temporary obstructions of or closure to public rights of way readily make the necessary adjustments when instructed to do so. Information pertaining to the regulations is included with the permits required for sidewalk incursions and was updated in 2008.

Currently the enforcement of these issues for the entire city and county is covered by a team for complaint-based street encroachment projects, and a team for scheduled sidewalk improvement programs. The Bureau of Street Use and Mapping (in DPW) reports over 1000 complaints are on file at any given time, and with the advent of the San Francisco's 311 service, the numbers of new filings is increasing. On March 15, 2010 the backlog of complaints was 1152, and the Bureau is unable to respond to inspections and complaint processing in a timely fashion. With 1800 miles of sidewalk and over 400 complaints about streetscape issues per week the Bureau needs at least seventeen inspectors, several more than the present number, just to keep pace with investigations, site visits, education of persons seeking sidewalk incursion, and clearing the backlog of filings. Many businesses and contractors encroach on the right of way without obtaining a permit. Permit fees are used to support the enforcement and outreach tasks. Permits cost anywhere from \$55 to \$1000 (and up to \$3800 for a major encroachment). Over 20,000 permits are awarded each year (DPW). The Blind and Low Vision Priorities Project

(BLVPP, 2007) reports that despite existing DPW regulations, 60.6% of blind respondents and 32.8% of low vision respondents frequently encounter intrusions into the path of travel. Survey and focus group participants who are blind and low vision recommend that San Francisco increase the responsiveness of the DPW and DPT to complaints; develop and publicize a clear system for tracking intrusions or obstacles and addressing them or removing them; and enforce related policies and rules about keeping public pathways clear (focusing on the general public, business owners, homeowners, car owners, and city contractors) (BLVPP 2009; sec. III pp. 3).

3) City Staff Training

The third area of concern is the education of city staff and departments, particularly the MTA and SFPD. Both departments have large numbers of employees with a great deal of public contact. Both departments already have means to update and sensitize their staff to the particular needs of disabled persons, and have some materials in their continuing education programs. Nevertheless, disabled persons continue to experience serious or dangerous failures of service, sometimes due to employee carelessness and sometimes by poor architectural design. Mandatory review of improved training materials combined with testing and some sort of certification granted upon successful completion would go a long way toward mitigating these negative experiences.

Blind and low vision MUNI riders cannot get consistent stop and line or route information announced by the operator when the digital voice announcement system (DVAS, an automated system) is either uninstalled, inoperable, drowned out by noise in the vehicle, or even turned off. The light rail vehicles' (LRVs) DVAS for route and stop announcements does not operate when the cars are above ground, making it imperative the operator use the onboard public address system. Despite hundreds of complaints over the last ten to twelve years, MUNI has not corrected this failure. Vehicles are stopped without regard for obstacles in the path of off-boarding passengers or curb heights beyond the ability of persons with limited joint movement to negotiate. In addition, boarding platforms should occasionally be considered necessary for disabled passengers not specifically confined to wheelchairs. And transit operators should never fail to notify a passenger of a requested stop. While evidence for the information above is anecdotal and not part of a systematic or scientific study, it does indicate a continuing need for improved service response to disabled persons. The BLVPP contains an entire section dedicated to public transit. A very high priority is given to audible information (either automated or by operator). The MTA rules and instructions handbook for vehicle operators specifically requires that announcements be made in any one of various forms and situations. The following chart of a survey from the BLVPP shows a ranking of useful adaptations for public transit:

Table 4: Most Useful for Public Transportation

(n = 177)

Approaches for Accessible Transit %

"Talking" buses or MUNI trains 72.9%

A driver who is helpful and freely gives information 53.1%

Bus stops or MUNI train stops that announce what bus is coming 22.6%

Bus stops or MUNI train stops that tell you what routes stop there 15.8%

Route and schedule information available by phone or Internet 11.3%

Other public transit workers who are helpful 9.6%

Other 7.9%

Don't know/no opinion 0.6%

* Because respondents could select multiple response options, percentages add up to greater than 100%.

The BLVPP also states the number one priority of respondents (41.7 %) involves issues pertaining to transportation, travel, and pathways. "Most of the solutions proposed by those affected would not require new technological fixes or dramatic policy changes. Rather, the community urged better staff education and enforcing compliance with existing regulations." (BLVPP 2007, sec III pp 2)

When asked about these abuses and flagrant violations of reasonable accommodation, even the very highest levels of MTA personnel responded by merely quoting departmental policy and failed to answer the specific concerns about the poor service experienced by disabled passengers over many years and indicated by numerous examples (MTA, January 2010).

The SFPD fares somewhat better. The claims that police actively discourage disabled persons from filing reports when their civil rights have been violated have been declining. However, many victims still relate that the police will only write a report upon the insistence of the person experiencing a violation. This may be due to the attempt of the police to reach some sort of resolution at the scene. Most often the perception of reluctance by the SFPD to act appears to be a combination of incomplete familiarity with ADA and local laws, the importance to the victim, and available actions to be taken on the part of the police to address the situation. This may indicate that the department would benefit from targeted educational programs and clear enforcement policies from the Chief.

For example, injuries to service animals from attacks by pet dogs (most often off leash) have been viewed as 'property damage' and not typically as an assault on the handler. An impatient transit rider who squeezed past a blind person off boarding a bus tripped over and broke his white cane and did not render help or offer to cover the cost of a new cane (\$100). The Police refused to get involved, calling it a civil case, and would not even give the blind person the name of the assailant. The low level of enforcement for many "petty crimes" such as bicycles riding on the sidewalk, off leash pets, litter, and other activities result in the regular occurrence of avoidable obstructions and safety hazards that commonly endanger disabled persons.

A new ADA Coordinator has been named at SFPD. It is imperative that this person be given the tools and support to continue the work already accomplished and expand sensitivity training programs.

When questioned about the actions of SFPD with disabled persons, the MOD relates that in their experience with complainants, evidence of systematic disfavor in tending to the calls for assistance by disabled persons was not found, but there is a need for further sensitivity training in the areas of ADA civil rights protections and the importance for the enforcement of those protections. The MOD does see evidence for systematic ignorance of the rights and needs of users of service and support animals, but generally not in the police response to assistance calls from them. The ADA is particularly vague when it comes to the definition of and qualifications for service and support animals which significantly contributes to the frustration and ambiguity felt by both the SFPD and legitimate service animal handlers involved in situations where violations are alleged. This issue is being addressed on a national level, albeit slowly.

The department does have specialized units which respond to a variety of specific concerns, and many of these programs can form the basis for a program for officer education and response improvement. For example, the dangerous dog unit performs a highly useful role in targeting the specific issues arising from irresponsible pet ownership. A video was produced in 2005 with donated funds and in cooperation with Guide Dogs for the Blind (San Rafael, CA) and Guide Dog Users Inc. to inform police officers of the significance and effect of [dog] attacks on working service animals.

The MOD is working with these departments to develop training programs. Currently the approach is to aim for the top (directors and managers) to ensure buy-in and an understanding of the importance. The goal is to eventually have the resources for an on-line training curriculum that would require a mandatory refresher every two years. The on-line courses would include quizzes, tests that must be passed, perhaps some sort of certification, and record keeping of completion. The jury supports this approach as an effective and economical method of training a large group of city employees. Many local and state programs can serve as models for the approach, which can save development costs by adapting already successful methodologies.

V. CONCLUSION

The investigation revealed that extensive legislation has been written and enacted by Federal, State, and local governments. A great deal of work has already been done to respond to the legislation. While both the planning and the execution of all City departments' compliance activities vary in complexity and extent, most are making significant progress and understand the importance of the accommodations currently underway. Many talented, dedicated, and diligent persons are accomplishing their goals to eliminate barriers and render San Francisco a fully accessible city, both architecturally and programmatically. In a world where embodiment is the norm, mobility and

communication in all its forms is essential to survival. Any impairment thereof threatens one's very existence.

The Jury wishes to commend the dedicated performance exhibited by so many employees in addressing the Title II mandates and their impact on every department and service in the City. Many external jurisdictions see San Francisco as leading the state, country, and beyond in addressing accessibility and the incorporation of a large segment of its population previously excluded from equal membership in their community. The ADA is an unfunded mandate which makes financial backing for timely compliance achievement both a priority and a challenge. San Francisco has many talented and capable leaders given the task to find ways to bring the requirements and resources together to achieve as much accessibility as possible as soon as possible. Our disabled residents deserve nothing less and have been waiting far long enough.

VI. FINDINGS

VII. RECOMMENDATIONS

1. San Francisco is vulnerable to litigation for non compliance with Title II mandates of the ADA.	1. The City Attorney's Office should assess the liability and risk to the City for the incomplete level of Title II compliance, and report its findings to the Mayor and BOS by October 31, 2010.
2. In response to the ADA mandates, a Grievance Procedure has been developed for intake, investigation, and referral of citizens' Title II compliance issues. Complaints that are referred to the appropriate departments have already been processed and verified as valid, and assistance to the affected departments in producing appropriate responses is available. This process significantly reduces the cost of the investigation of a complaint and the construction of a viable response by that department. The level of complaints is expected to increase by as much as three fold as the availability of the grievance process becomes better known in the community. The budget for this work was reduced for the current fiscal year (2009-2010) resulting in the lengthening of the time to complete the process and generating a backlog of cases. The sooner a complaint is processed, the less liability and risk exposure there is for the City. Delays drive up the costs of response and can encourage litigation.	2. San Francisco should expand the Grievance Procedure to the level necessary for the "prompt and equitable" resolution of ADA complaints.
3. Currently only issues involved with Title II compliance are handled by the Grievance Process. The likelihood of disabled citizens requiring an alternative for and assistance in filing concerns outside of Title II is extremely high. The only alternative for the aggrieved is litigation at great expense in both time and resources, or filing a complaint with the DOJ. It is estimated to cost about \$750,000 to expand the Grievance Procedure to cover private sector complaints.	3. By January 2011, the MOD in association with City departments' ADA Coordinators should initiate a study to determine the feasibility of the expansion of the grievance procedure to incorporate private sector ADA compliance issues as an alternative to litigation.

4. The Facilities Transition Plan (FTP) is comprehensive and is updated periodically. Over two thirds of the plan has been accomplished, with work on the final portion underway. The capital plan for the City allows for the continued work, especially regarding curb cuts and sidewalk issues, but extends the costs over the next twenty to twenty five years. Current cost estimates total over \$500,000,000 with more than half of the sum originating from public sources. These sources are varied, and come from Federal, State, and local coffers via myriads of programs, many with specific use criteria. Even with all known sources, the expenditures far exceed available funds. Of critical importance is the need to maintain consistent levels of funding, without which experienced staff will be lost with detrimental impact on their programs.	4. San Francisco should obtain and distribute the needed funding through all available and creative means including targeted bond issues to accelerate the achievement of compliance goals in ten years. Consistent funding levels must be maintained in order to retain, develop, and expand the pool of valuable experienced personnel.
5. The City incurs significant risk and liability from the insufficient monitoring of incursions to the public right of way and the maintenance of a clear-path-of-travel. The DPW is responsible for the investigation and enforcement of temporary and permanent sidewalk incursions involving the entire City. The majority of infractions are due to temporary barriers incorrectly erected. Over 1000 complaints are on file at any given time, and more than 400 new complaints are received weekly. The team of inspectors has been unable to keep pace with and process these complaints. Delays in the correction of incursions can lead to lawsuits.	5. The City should pursue full enforcement and monitoring of incursions to the public rights of way, especially with regards to temporary sidewalk incursions. Staffing levels must be maintained to address and complete inspections and investigations promptly and to eliminate backlogged cases.
6. The SFPD and MTA (MUNI) (DPT) have large numbers of employees whose work involves a great deal of public contact. Assistance and sensitivity training for the service to and interaction with disabled persons in a manner which is effective and respectful of their rights, has yet to be fully developed. A successful completion certificate would result in a higher degree of subject retention and grant a sense of accomplishment when awarded. The MOD is working with these departments in order to do so, but lacks	6. By June 2011, the City should develop training programs in areas of assistance and sensitivity to the needs of disabled persons, especially at MTA and SFPD. These programs should be implemented by December 31, 2011.

the financial wherewithal needed for its accomplishment. Many viable models exist which can be adapted to fit training goals, reducing development and implementation costs.	
--	--

VIII. REQUEST FOR RESPONSE

Responses to the recommendations in this report are required by the Board of Supervisors and city offices and departments in accordance with the following list and state law. Responses are to be in writing and addressed to the Honorable James McBride, Presiding Judge, Superior Court of California, City and County of San Francisco, San Francisco Civic Center Courthouse, 400 McAllister Street, San Francisco, California, 94102.

Board of Supervisors: 90 days

Office of the Mayor: 60 days

Mayor's Office on Disability: 60 days

Mayor's Disability Council: 60 days

Office of the DPW: 60 days

Office of the MTA: 60 days

San Francisco Police Department: 60 days

The Office of the City Attorney: 60 days

REQUIRED RESPONSES TO RECOMMENDATIONS

Recommendation	1	2	3	4	5	6
<i>Response 90 Days</i>						
BOS	X	X		X	X	X
<i>Response 60 Days</i>						
Mayor	X	X	X	X	X	X
MOD		X	X	X		X
MDC		X	X	X		X
DPW			X	X	X	
MTA			X	X		X
SFPD			X			X
City Attorney	X					

IX. COMMENTS

SAN FRANCISCO GOALS and PRIORITIES

The following is a list of items important to the disabled community:

- Expand the ability for people with disabilities to live as integrated members of the community by attention to community services and accessible housing.
- Require 80% of new housing to be adaptable (easily converted to access, and visitable by all people with disabilities).
- Provide tools to increase education on disability rights issues not only for city workers, but for all persons affecting the physical environment for and services provided to the disabled population – even focused trainings on service and support animals (better awareness of the rights and responsibilities of handlers)
- Incorporate disability concerns in new green and environmental efforts – sensitivity to mobility needs.
- Make San Francisco a leader in employing people with disabilities starting with a city wide survey to establish a baseline of the current level of employment
- Expand approaches to include the needs of people with disabilities in transit, parking, and alternative means of transportation.
- Programmatic access requires eternal vigilance to effect desired improvements in access to services and departmental culture sensitization with regards to flexibility and individual attention as warranted for accommodation.

BLVPP REPORT

The BLVPP report has been used extensively in this report due to its uniqueness. It is a systematic and scientific study surveying accessibility issues among a specific group of disabled persons, and in many ways reflects the overall trends and frustrations experienced by persons with other disabilities. The primary issues in the deaf and hard of hearing community are around communication (although very few complaints are directed at the City due to the availability of accommodation found here). Persons requiring mobility devices have achieved significant recognition of their needs, but the extent of work required for accommodation is large. In a world where embodiment is the norm, mobility and communication in all its forms is essential to survival. Any impairment thereof threatens one's very existence.

EXPERIENCED STAFF ADVANTAGES

As the design and construction work of the FTP progresses, the staffs of the MOD, DPW, and other departments become increasingly experienced in those adaptations. Improving the time lines of the completion of adaptation programs will require additional staff positions be created and filled. There are significant side benefits to the expansion of

staff, beyond the completion of accommodation in far less time than currently planned. These include, but are not limited to:

- Acceleration of review/approval processes for all DPW projects
- Increase the implementation of the Better Streets Plan
- Greatly improve water runoff projects
- Allow deferred work on the most difficult accessibility areas to begin
- Greatly help in updating policies and practices throughout the DPW, especially where accessibility issues are involved
- Develop a resource of more specialized teams
- Revenue generation potential through consultation fees, etc. as our reputation of leadership and accomplishment grows beyond the county and the nation.

CURB CUT EXPENSE

The cost of curb cuts varies from about \$4,000 to upwards of \$40,000 depending on the characteristics of the site. Factors that increase the cost include 1) surveying each site for elevation and grade data; 2) engineering review and drawings; 3) flat and level landings are required at the top and base of each ramp which are not subject to standing water or pavement degradation, and which are in tolerance where access points of buildings occur; 4) contrasting colors and textures of surfaces necessitating that different concrete mixtures be used; 5) police/fire call boxes, utility boxes, and runoff catch basins (which can add as much as \$10,000) frequently must be relocated; 6) erection of compliant barricades and detours for vehicles and pedestrians; 7) work must be scheduled around commute times – even over night to minimize disruption (often at premium pay); 8) coordinating with other City departments and outside agencies to schedule and complete their portions; 9) changes to sidewalk configuration (such as bulb-outs) require variances, easements, and property owner notices (as sidewalk maintenance is the responsibility of the adjacent property owner, and these changes can increase their liability, etc.); 10) good engineering gives good results which last a very long time – a process which has not always been done in the past.

Factors that relate to the reconstruction of curb cuts include: 1) changing standards (from 1970s to 2003, both Federal and State specifications set and amended); 2) subsurface soil failure which causes cracks, uneven surfaces, sloped landings, and runoff ponding; 3) insufficient site preparation at earlier installations; 4) damage from heavy vehicles riding up and over curbs; 5) poor workmanship and/or product failure at existing installation; 6) unanticipated effects of new construction or other changes to streetscapes, etc.

These are just some of the numerous and complex issues involved with access ramps, and is by no means an exhaustive list. Each site is unique, and requires a high level of expertise and craftsmanship. A ramp appears simple enough at the outset, but can become very involved during execution.

X. INFORMATION SOURCES

Departments Consulted:

Bay Area Rapid Transit (BART) Board of Directors
Department of Public Works
Mayor's Disability Council
Mayor's Office on Disability
Municipal Transportation Agency
Office of the City Attorney
Office of the City Controller
Public Utilities Commission
San Francisco Police Department

Documents/Videos:

Americans with Disabilities Act, Title II (1990)
ADA MOD 10 Years of Success (September 2009)
ADA Transition Plan for Curbs & Sidewalks (2010)
ADA Transition Plan Projects List (Master) (2009)
Blind and Low Vision Priorities Project (2007)
Capital Plan 2009-2018
CCSF Ten Year Capital Spending Plan (2006)
Disability Status: 2000 Census Brief (2003)
Enforce Assistance Dog Protection Laws (How to Respond to Guide or Service Dog Attacks) 2005
Mayor's Office on Disability/Mayor's Disability Council Report (Civil Grand Jury 2000-2001)
MOD Grievance Procedure
MTA Announce!
SF Better Streets Plan (2006/2010)
Toward Unobstructed Access (June 2004)

LIST OF ACRONYMS

ADA	Americans with Disabilities Act
BLVPP	Blind and Low Vision Priorities Project
BSP	Better Streets Plan
CCSF	City and County of San Francisco
DOJ	Department of Justice (Federal)
DPT	Department of Parking and Traffic
DPW	Department of Public Works
DVAS	Digital Voice Announcement System
FTP	Facilities Transition Plan
LRV	Light Rail Vehicle
MDC	Mayor's Disability Council
MOD	Mayor's Office on Disability
MTA	Municipal Transportation Agency
SFPD	San Francisco Police Department

2009-2010 Civil Grand Jury

City and County of San Francisco

Sharing the Roadway: From Confrontation to Conversation

Report Released: May 2010

Purpose of the Civil Grand Jury

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Penal Code section 905, California Constitution, Article I, Section 23). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task, the grand jury is divided into committees, which are assigned to the respective departments, or areas, which are being investigated. These committees visit government facilities, meet with public officials and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00-4:30)
- in person at the Grand Jury Office, 400 McAllister Street, Room 008, San Francisco, CA 94102.
- online by completing the [application](#) at

<http://www.sfsuperiorcourt.org/Modules/ShowDocument.aspx?documentid=1988>

State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or identifying information about individuals who provided information to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must either report (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of this report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, Sections 933, 933.05.)

TABLE OF CONTENTS

I.	Purpose/Summary	4
II.	Introduction	4
III.	Methodology	5
IV.	Investigation: Attitudes/Perceptions	6
	Summary: Attitudes/Perceptions	11
	Education/Enforcement/The San Francisco Bicycle Plan	11
	Education	13
	Training Materials	13
	Insurance	15
	Summary: Education	17
	Enforcement	17
	Traffic Enforcement	17
	Licensing	18
	Citations	19
	Traffic Court/School/"Fix-it" Tickets	21
	Summary: Enforcement	22
	Enforcement: Attitudes/Perceptions	23
	Summary: Enforcement and Attitudes/Perceptions	24
	Equity	24
	Summary: Equity	25
	New Directions	25
	Conclusion	26
	Footnotes	27
V./VI.	Findings & Recommendations	29
VII.	Request for Response	34
VIII.	Appendix A: References	35
	Appendix B: SFMTA Licensing Memorandum	42a-h
	Appendix C: Moving Violations Citations/Bicycles 2009	43a-e
	Appendix D: At Fault/Accident Data/Fatalities & Injuries	44a-b
	Appendix E: Moving Violations Revenue FY 2006-2010	45
	Glossary	46

PURPOSE OF THIS REPORT

The purpose of this report is to focus City attention on identified barriers to the successful implementation of the San Francisco Bicycle Plan: serious mistrust, conflict and misunderstandings among City stakeholders including motorists; cyclists, and pedestrians. To move towards everyone seeing him/her self as part of the community sharing the roadway, the Jury recommends actions and amendments to the San Francisco Bicycle Plan.

I. SUMMARY

The San Francisco Bicycle Plan (Plan) endeavors to "make bicycling an integral part of daily life in San Francisco" with a goal to "increase safe bicycle use." The objectives of the Plan are to increase the daily number of bicycle trips, develop improved bicycle use tracking, and address the rate of bicycle collisions. The Jury reviewed the Plan and focused on the issues of education, enforcement, and equity. The actions and attitudes of travelers incorporating all modes of roadway use have a direct bearing on the success of the Plan. Motorists and cyclists must come to a greater understanding of each other's requirements, abilities, and responsibilities as they share the byways of the City and County of San Francisco.

Education can bridge the mistrust, misunderstanding, and misperception motorists and cyclists have of each other, and shift toward a more unified cultural perspective and coexistence on the streets. Safety and mutual respect are key topics to address, and can be delivered in a positive fashion through a broad range of media formats.

Enforcement of traffic codes is seen by most advocates of cycling as absolutely essential to raise the level of safety and thereby encourage more travelers to opt for bicycle use. The San Francisco Police Department (SFPD) has a critical role to play, as their experience and leadership enable them to target enforcement of the violations which most impact predictability and/or render the most severe consequences. During the development of the Plan, the participation of the SFPD has been minimal, causing inconsistent and incomplete directives and procedures, frustration over mixed messages and lack of community support. Such a vital element as the SFPD must play an active role in the improvement and implementation of the Plan.

Equity, defined as perceived fairness, is essential to the successful formation of bicycle policy on a citywide basis in a densely populated urban area.

II. INTRODUCTION

At the turn of the 20th century, streets were shared by horse-drawn vehicles, streetcars, pedestrians, pushcart vendors, and children at play. The new automobile disrupted the status quo. Anti-jaywalking or anti-pedestrian campaigns were accepted by citizenry as a

way to "get with the times." In a San Francisco safety campaign of 1920, pedestrians found themselves pulled into a mocked-up outdoor courtroom and lectured on the perils of jaywalking (Donnan, 1920, in Norton, 2007). By 1930, motorists forced pedestrians from the streets, and supremacy of the automobile reigned (Norton, 2007).

Street rivalries are not a new phenomenon. For well over a century, ever since the invention of the velocipede, patented in 1866 by Pierre Lallement, another means of transportation entered the fray.

Bicycles are here to stay and form an integral part of daily life in San Francisco. Today we ask how can the motorist and cyclist safely share the road without confrontation? To whom do the streets belong? How can the conversation begin?

The bicycle community frequently refers to the Six E's. These elements are important in addressing the needs of the community. Originally four elements, they have recently been expanded to six to recognize the importance of equity and evaluation. The San Francisco Bicycle Plan, written in 2006, addresses the original four elements. The Jury has reviewed the Bicycle Plan and finds that the Plan is workable so far, but it makes recommendations for improvement, specifically to the education, enforcement, and equity elements.

THE SIX E's
Engineering
Education
Enforcement
Encouragement
Evaluation
Equity

III. METHODOLOGY

The Civil Grand Jury's investigation consisted of a review of confidential interviews, correspondence, documents, literature, local and national data, newspaper articles, letters to the editor, and Internet sites. (See Section XIII: Appendix A: References.)

The Civil Grand Jury commenced its investigation in July 2009. It conducted interviews with officers, employees and citizens from the following:

- Doctoral Students, Department of City & Regional Planning, Safe Transportation Research and Education Center University of California, Berkeley
- Livable Cities
- San Francisco Bicycle Advisory Committee
- San Francisco Bicycle Coalition
- San Francisco Controller's Office

- San Francisco Municipal Transportation Agency
- San Francisco Police Department
- San Francisco Superior Court Collaborative Justice Department
- Superior Court of San Francisco Traffic Court
- University of California, Davis, Transportation and Parking Services

IV. INVESTIGATION

Attitudes/Perceptions

A November 5, 2009 article about San Francisco's cycling habits was published in the New York Times. Scott James concluded, "Just try to talk about obeying traffic laws and suddenly the loveliest eco-friendly riders are instantly transformed into venom-spewing bike bullies. I was warned several times not to write about this or risk being publicly vilified as an enemy of the bike world."

In response to Scott James's article (<http://sfcitizen.com/blog/tag/scott-james>, November 6, 2009) one Internet site contributor writes, "Scott James has a tiger by the tail with 'San Francisco's Cyclists Facing Backlash for Flouting Rules of the Road.' You see, he doesn't just talk about cyclists blowing stop signs at speed, he goes and documents it, all judgmental like. Then he posts it on the YouTube for *tout le monde* to see. That's going to rub some peoples' fur the wrong way."

Similar perceptions and attitudes toward cyclists and motorists can be followed in numerous blogs, letters to the editor, and in a multitude of Internet sites. Reviews of recent letters to the editor in local newspapers are typically written by non-cyclists displeased with some encounter with a cyclist. The titles of the letters are indicative of their frustration: *Don't Run Me Down* (July 9, 2009); *Obey the Rules of the Road* (July 13, 2009); *Bike Arrogance* (July 13, 2009); *Out of Control* (July 13, 2009); *Watch Out* (July 13, 2009); *A Bicycle Free-for-All on Market* (October 1, 2009); *The Road Has Rules* (October 5, 2009); *Surviving Streets of San Francisco* (October 22, 2009); *Pedestrians, Beware* (October 22, 2009); *Ticket the Bad Bicyclists* (November 3, 2009); *Critical Mass: You're Not Helping* (November 6, 2009); *Ride and Bike Safely* (November 6, 2009); *I'm a Bike Victim* (November 20, 2009); *Off the Sidewalk* (November 24, 2009); *Bicycles are Dangerous* (December 13, 2009); Letter to the Editor response to *Critical Mass' Naked Spirit Rides On* (January 2, 2010); and *Watch Out, Angry Cyclist* (February 14, 2010). Two recent columns by Jon Carroll address the issue motorists and cyclists: *When You're Riding at Night, Wear White* (October 22, 2009); and *Why Can't We All Just Get Along?* (November 10, 2009).

A weekly San Francisco Chronicle Poll (December 12, 2009) inquired, *Do we need new laws to reduce tensions between motorists and cyclists?* While it is recognized that this is not a scientific study, but only a tabulation of readers' response, the results are interesting. The answers to the question: "No, obey the laws we have" registered 44.0% of the total 489 responses. "No, get cyclists off the road" rated 24.7% of the responders; followed by

19.6% who agreed with "Yes, and clarify the rights of cyclists" and 11.7% who agreed with "Yes, traffic laws are to maintain traffic flow, not protect cyclists."

A cyclist (Splork, undated) expresses his thoughts from the viewpoint of a cyclist in *I Am a Cyclist: An Open Letter to Car Drivers Everywhere*. It reflects the many concerns voiced by cyclists to the Civil Grand Jury about tensions arising from the sharing of the roadway.

I am a cyclist. I get on my bike and go for a pedal as time allows. I do it because it is what I do for exercise and recreation. I like the freedom. I like the rhythm. I love everything about it, except one thing: People driving cars.

I am under constant siege by people in cars. When I go for a bike ride I am typically alone. I try to go out when the traffic is at a minimum. I stay as far to the right on the road as I can without inflicting another kind of danger to my health. I am simply a man on his bike. Unfortunately I am not safe.

So what is it about a guy, or gal, on their bike that causes so much aggravation to people who drive cars? Is it jealousy? 75% of Americans are overweight. I'm not. The people I know who ride bikes are certainly not. Odds say that 75% of the people aggravating me on my bike are overweight.

Is it because we look different? I wear a helmet. I don't have a couple of thousand pounds of a metal shell protecting me. I wear tight shorts with padding in the seat. Why? Because it make[s] the activity more comfortable and it's hard enough to fight through the wind without baggy shorts flapping around. I wear gloves. Ever taken a fall at 20 miles an hour? The first thing that happens is you put your hand out to cushion the impact. Know how long it takes for road rash to heal on the palm of your hand? A long time. And it hurts. I wear sunglasses just like you. You wear them to keep the sun out of your eyes and to look cool. I wear them to keep the sun out of my eyes, to look cool and to keep debris out of my eyes. I wear a shirt with pockets in the back. It's my glove compartment.

People tell me they are mad at cyclists because they get in their way when they are driving. I'm sorry that I am going 18 mph in a 30 mph zone that you want to go 45 mph in. It's tragic. Wait for a safe place to pass. But why would you give me the one finger salute as you go by? Why do you need to throw your half empty water bottle at me? Why do you need to fling your cigarette butt at me when you pass? I don't think you'd do the same to someone in their car. Why the disrespect?

And why are you so impatient that you can't even pass me when it's safe? Do you have to be in such a hurry as we both crest a hill that you endanger yourself, a driver in the other lane and me as you pass to the left on a little country road, as we go over that hill? Why so impatient?

Why do you feel like you have to speed by me at 55 mph when neither of us have a shoulder to travel on? Even worse, why do you have to play chicken with me to see how

close you can get to me? I think 2-feet at 55 mph is a little close don't cha think? If you slow down and give me a little room then you can simply speed back up when you get around me safely. Is it that hard to press back down on the accelerator? Why is 5-10 seconds so precious out of your life that you are willing to sacrifice mine for it?

Why the hatred? I am riding a bicycle. I don't pollute. I don't use any gasoline in my travels. When you pass me by in your dual-king cab V-8 pickup truck towing a boat, you should be thanking me that I'm not using any gasoline in my recreational activity that you are, and will be, using. You would rather throw your fast food wrapper at me instead and tell me to get off the road. The very road that my tax dollars helped pay for too.

And by the by kind driver. It is absolutely and completely legal for me to ride my bicycle on the roads. It is absolutely not legal (in most communities anyway), to ride a bicycle on the sidewalk. So stop telling me to get on it! It's a sideWALK. Not a sideCYCLE. If we get on the sidewalk we get yelled at by the walkers. We get on the road and get harassed by drivers. I like to go fast anyway so I'll stick to the roads.

Tell your governments to build shoulders, at least, on the roads they build. Governments do not want to spend the money on bike lanes because they say no one will use them. Yet, when you ask people why they don't ride their bikes they say there aren't any place safe to do so. Catch-22 if I've ever heard one.

So I brought up legal stuff. Yes, I know you have all seen the cyclist that blew through the red light. Or didn't stop at the stop sign. Or was riding four abreast with his crew keeping you from being able to pass comfortably. These cyclists are jerks. No doubt about it. And since you never speed or do a rolling stop through a stop sign, I'm sure you are justified in getting huffy with these two-wheeled miscreants, right?

I see a lot of things when I ride my bike. You might be amazed at the number of fresh beer cartons I see on the side of the road during my early morning Saturday bike ride. Lots of people in cars are pigs in other ways. Cigarette butts adorn our roadways like you wouldn't believe. Litter is still a problem. I think if more people got out of their car they wouldn't be so quick to chuck stuff out of their windows....

When I'm riding my bike I feel smug. This past weekend I had the amazing opportunity to follow behind a hawk soaring 50 feet above me for like a quarter of a mile. It was beautiful. I'm glad people in cars never get that experience.

When I ride my bicycle I have to ride perfectly. Particularly on the Tennessee roads I ride on. There are no shoulders. The roads are built for 1930-40's farm traffic, not suburban dwellers driving around in their Suburban gasoline chuggers. If I make a mistake it puts me in the path of a vehicle behind me that isn't giving me much room to work with anyway. Car drivers aren't worried about being perfect. Why, they have too much stuff going on: Unwrapping a Big-Mac, getting the DVD spun up for the twin spawn in the back seat, texting their boyfriend the location of the par-tay, lighting up that

cigarette or fumbling about with the iPod, all at a comfy speed of 50 MPH in a 35 MPH speed zone.

The problem is, if I'm not perfect I pay for it with my life. If you aren't perfect, I pay for it with my life. It doesn't matter if you are right or I am wrong, or I am right and you are wrong, when it comes to sharing the road, the cyclist always, always, always loses. Always.

The next time you drive by me and decide it would be a great time to throw your soda can out the window in my path, consider if you would like for me to throw the same can at you when you are walking into the Feed and Choke for your 5 o'clock feeding. I doubt you would be very amused. I am certainly not amused at your antics that you perform from your car when I am riding my bicycle. A little respect would be really cool.

And for those of you who drive by at a reasonable speed and distance, who give a little wave and maybe a little knowing smile: It does not go unappreciated or unnoticed. Thank you. Believe me, we see and notice everything.

A study conducted at the University of Strathclyde (Glasgow, Scotland) in 2002 (Basford, et al.) examined drivers' perceptions of cyclists. When respondents were asked to specifically focus on cyclists, associations with them were found to be predominately negative. Positives of cycling regarded by drivers were that:

- Cycling was healthy and had personal and environmental benefits, and
- Cyclists were brave to cycle in motorist traffic despite the lack of any real protection

The negative descriptors associated by motorists to cycling or cyclists were:

- arrogant
- dangerous
- despised
- erratic/unpredictable
- inconvenient
- irresponsible
- vulnerable

In additional investigation, respondents were also asked to describe an "ideal cyclist." An ideal cyclist was found to be one who was responsible, exhibited awareness and courtesy toward other road users, and abided by the Highway Code as motorized vehicles are required to do. Drivers felt that cyclists who wore helmets and had working lights, reflectors, and mirrors were more likely to act responsibly (Basford, p. 9).

Overall, drivers perceived cyclists as posing problems. The main cause was unpredictability of cyclists' behavior. Secondly, drivers saw the underlying unpredictability as stemming from attitudes and limited competence of the cyclists

themselves, not the difficulty of the situations that cyclists are often forced to face on the road (Basford, p. 13). The study had three major recommendations (Basford, p. 31):

- Improve roadway design
- Raise awareness
- Increase enforcement

Tensions between the police and the cycling community are apparently considerable. To support this statement, here is a comment from Leah Shahum, Director of the Bicycle Coalition (sf.streetsblog.org, December 4, 2009) regarding the actions of police after an accident between a motorist and a cyclist: "It's not only deeply disturbing that this bias against bicyclists still exists within the SF Police Department, but I believe it is illegal, given the Department's responsibility to uphold the law fairly and without personal bias. Chief Gascon should make it a priority to educate his officers and hold them accountable. Without leadership from the new Chief, there is no doubt in my mind that bicyclists will continue to bear the brunt of a dangerously biased police force. In this day and age, San Francisco cannot turn a blind eye to this."

The relationship between the police and some cyclists can be gleaned from a review of complaints submitted to the Office of Citizen Complaints (OCC). The Office of Citizen Complaints was created as a separate city department by an amendment to the San Francisco City Charter (Section 4.127) in 1982 and placed under the direct supervision of the Police Commission. The mission of the Office of Citizen Complaints is to "promptly, fairly and impartially investigate complaints against San Francisco police officers and make policy recommendations regarding police practices." It is staffed by civilians who have never been police officers in San Francisco.

The Civil Grand Jury obtained data regarding forty-two OCC complaints filed against police officers by cyclists between February 27, 2008 and July 2, 2009. The types of complaints are as follows: unnecessary force; parking in bike lane; cited without cause; detained without justification; pat searched; inappropriate comments; drove unsafely; false statements; incomplete accident report; failed to report a traffic stop; failed to take appropriate action; improper crowd control; failed to investigate; threatened; inappropriate behavior; failed to follow a General Order; failed to take required action; and failed to provide medical attention.

Twenty-six (61.9%) of the complaints were dismissed due to insufficient information or lack of witnesses. Twelve (28.6%) of the police officers were found to have acted appropriately. One case was referred to another agency. The Office of Citizen Complaints upheld the remaining three cases, or 7.1% of the complaints. Two were due to technicalities or failure to follow a specific General Order and the third involved a motorcycle officer who made an improper left turn in front of a cyclist. Thus, a small percentage of complaints (7.1%) over a sixteen-month period was sustained.

Police officers report (Interview, December 2009) that of all the complaints filed against them, one percent are from motorists and twenty to thirty percent are from cyclists.

Officers commented that the potential for complaints from cyclists makes them reluctant to cite cyclists.

Summary: Attitudes and Perceptions

It appears from review of the literature and comments from interviews that the jury conducted, that motorists see cyclists as arrogant, dangerous, despised, erratic/unpredictable, inconvenient, irresponsible, and vulnerable. Cyclists are viewed by many non-cyclists as not paying their fair share. Cyclists see motorists as an impediment, selfish, materialistic, causing world havoc with financial systems and the environment. Cyclists embrace riding because it is good for the environment, the economy (including theirs) and the exercise. Cyclists love freedom and the lack of any fees or fines. Some police comment that the potential of complaints from cyclists makes them reluctant to cite cyclists for violations. Many bicycle community members view the police as biased against cyclists, and believe the police need to uphold the law fairly.

If San Francisco truly wants to increase responsible bicycle use, it will need to solve the issues of anger, misunderstanding, and mistrust between motorists and cyclists, and increase everyone's view of shared responsibility on the roadway. Addressing these issues will ease the conflict regarding facilities and the network of bike lanes, targeted enforcement and education. This effort will help develop a culture in which everyone regards himself/herself as a part of the community, as well as a cyclist or as a motorist.

Education and Enforcement/The San Francisco Bicycle Plan

*The San Francisco Bicycle Plan*¹ (Plan) (June 2009) recognizes bicycling as a "critical component to improving the future health and prosperity of San Francisco." (*San Francisco Bicycle Plan*, 2009). The Plan views bicycling as an integral part of daily life. The Plan's goals are (Plan, 2009, p. ii):

1. Refine and expand the existing bicycle route network
2. Ensure plentiful, high-quality bicycle parking
3. Expand bicycle access to transit and bridges
4. Educate the public about bicycle safety
5. Improve bicycle safety through targeted enforcement
6. Promote and encourage safe bicycling
7. Adopt bicycle friendly practices and policies
8. Prioritize and increase bicycle funding

In 1982, bicycle policies were added to the San Francisco General Plan: Transportation Element. The Department of Parking and Traffic (DPT) published the first San Francisco Bicycle Plan in 1997, which established an official network and policies to support bicycling. In 2001, DPT amended and re-adopted the Plan. The County Transportation Authority (CTA), the Planning Commission, the Citizens' Advisory Council (CAC), the Board of Supervisors (BOS) and the Mayor approved the 2005 Plan. The BOS adopted the Plan framework on June 27, 2006 by Ordinance No. 109-05. An Environmental

Impact Review (EIR), required as a result of a lawsuit, was completed in November 2008. The Plan EIR was certified and California Environmental Quality Act (CEQA) findings were subsequently approved. The MTA Board approved the projects in June 2009. As of this writing, the three-year old injunction prohibiting the implementation of the Plan, which prevented all physical improvements for bicycles, has been partially lifted.

Acknowledgement of various agencies, committees, boards, consultants, and government officials in the development of the June 26, 2009 Plan includes a list of 119 individuals: Mayor, Board of Supervisors; former supervisors; SFMTA Board of Directors; San Francisco County Transportation Authority staff; former San Francisco CTA staff; San Francisco MTA staff; former San Francisco MTA staff; an Oversight Committee (including members of Planning, Office of the Mayor, MTA, San Francisco Bicycle Coalition, and Transportation for a Livable City); a Technical Advisory Committee; San Francisco Bicycle Advisory Committee Bicycle Plan Review Task Force; San Francisco Bicycle Advisory Committee; former BAC members; San Francisco Bicycle Coalition; and a Consultant Team (Alta Planning & Design, Parisi Associates, and Pittman Associates). Not all stakeholders were represented. One police officer served on the Technical Advisory Committee. Pedestrians, public transit riders, non-cyclists and motorists were not represented.

In an effort to address the conflicts between motorists and cyclists, the Civil Grand Jury focused on two of the Plan's goals: Education and Enforcement. To this end, the Civil Grand Jury interviewed individuals from the San Francisco community, including members of the San Francisco Police Department, San Francisco Municipal Transportation Agency, the San Francisco Bicycle Coalition, the San Francisco Bicycle Advisory Committee, and the Livable City program. In addition, the Jury interviewed individuals from other cities and college campuses as well as doctoral candidates in city and regional planning and safe transportation/research. It reviewed numerous documents and data related to cycling.

Transportation-to-work bicycle usage in San Francisco has increased from 2.3% in 2007 to 2.7% in 2008. The 2009 Bicycle Count Report (SFMTA, 2010) indicates an 8.5% increase over 2008 to 2.9%. The methodology for collecting this data is designed to help identify trends and is not meant to measure that exact number of cyclists. It should be noted that the counts are done in the first three weeks of August when the weather is typically dry and longer periods of daylight encourage bicycling. Thirty-five counts were conducted between 5:00 and 6:30 PM at thirty-three locations. Twenty MTA part-time interns were available to do the counts. Some streets have had much higher than an 8.5% increase such as 11th and Market (48.3% increase from 2006). The American Community Survey (ACS) is a nationwide survey and a critical element of the U.S. Census Bureau's census program. ACS collects and produces population and housing information every year instead of every ten years. ACS shows the percentage of trips to work in 2000 at 2.1%; 2003 at 1.9%; 2006 at 2.5%; 2007 at 2.7%; and in 2008 at 2.9%. The estimated percentage of all trips by bicycles in San Francisco (2008) is 6.0% (SFMTA, 2010).

Education

The Education Chapter of the *San Francisco Bicycle Plan's* (Plan) focus is to educate the public about bicycle safety. The objectives are to create, fund and implement (Plan, 2009, p xi):

1. Bicycle safety curricula for the general public and targeted populations
2. Bicycle safety outreach campaigns for motorists, bicyclists, and the general public

To this end, the action plan (p. xi) recommends the following:

- Provide SFMTA bicycle safety information to diverse age, income and ethnic populations
- Provide SFMTA bicycle safety information in multiple languages
- Partner with other agencies to distribute SFMTA bicycle safety educational materials
- Work the SFPD to create a bicycle traffic school curriculum as an option in lieu of other pecuniary penalties for traffic law violations
- Increase SFMTA participation in Bike to Work Day activities
- Implement new outreach campaigns for improved bicycle facilities
- Develop SFMTA bicycle safety classes for city employees
- Develop an SFMTA bicycle safety workshop for transit vehicle and other large fleet-vehicle operators
- Develop bicycle education curricula for use in the San Francisco Unified School District and San Francisco public colleges.
- Work with the SFPD to promote a transportation curriculum in lieu of driver's education at city high schools

Training Materials

San Francisco Municipal Transportation Agency's 51-page *Bicycle Guide* is comprehensive as it covers a bicycle equipment check; general bicycle rules; traffic lane intersections and turn information; riding in bike lanes; riding on bike routes; bicycling at night; riding in rain and fog; riding near streetcars; trucks and busses; bicycle route signs; full use of lanes; parking; bikes on transit; helmets; avoiding collisions and injuries; grates, plates, trenches and potholes; collision information; the Co-exist Outreach campaign; bicycle safety information; the Waller Street bicycle learning area; parts of the bicycle; bicycling sizing and fit; gearing and shifting; brochures and publications; and important telephone numbers and Internet links.

In comparison to the SFMTA comprehensive *Bicycle Guide*, the Civil Grand Jury reviewed two documents that are used for training purposes for the police in basic bicycle skills and tactics. There is little correlation between the SFMTA document and the police training material. The SFMTA information is timely and current; the police training materials are outdated and incomplete. Current SFPD training materials that are aimed at training police do not have materials on controlling bicycle traffic.

The first police training document is the *Basic Bicycle Patrol Skills and Tactics*, a three-day course. The material is undated, but appears to have been written in the 1990s. The Table of Contents lists four chapters: I. Safety Policy/Course Objectives/Assembly Bill 2499 (1994). II. Course Outline. III. Physical Maintenance. IV. ABC Quick Check/Riding Techniques/Enforcement Procedures. These four chapters contain information about AB 2499 (1994) which is a one-page review of the Vehicle Code; two Department Bulletins from 1998 signed by Chief Fred Lau; fifteen pages of conditioning and training (for riding bicycles); one page of stretching exercises; one page on calculating heart rate; six pages on a nutrition primer; and nine pages on pre-ride inspection or the *Air, Brake, Crank (ABC) Quick Guide*. The enforcement procedures consist of eleven pages of items such as stealth technique, slide technique, slow riding techniques, negotiating curbs, descending curbs, panic braking/stopping, mounting and dismounting, remounting techniques, ascending stairs, descending stairs, suspect apprehension techniques, basic formations, intersections, commands, and riding in the rain. It is unclear why these topics fall under the heading of enforcement.

The second document, *10-Hour Bicycle Patrol Skills Course*, is also undated, but follows much of the same content as the above document. However, it contains six pages concerning the California Vehicle Code related to bicycles dated April 2002.

One source for updating the current police training materials is the State of California Commission on Peace Officer Standards and Training (POST) program established by the legislature in 1959 to provide support for police selection and training standards. POST funding comes from the Police Officers' Training Fund, which receives moneys from the State Penalty Assessment Fund. The POST program is voluntary and incentive-based; it is an information center that includes identifying trends and emerging needs to enable law enforcement to focus on and address society's changing issues. While numerous course offerings are virtually identical to the material in the SFPD manuals, it appears that the POST materials are current. POST has a procedure for suggesting modification to existing content of coursework.

Much literature and many materials exist related to Bicycle Education, so many that listing them here is not feasible. Many websites such as those developed by the San Francisco Bicycle Coalition, the Bicycle Advisory Committee or the San Francisco Municipal Transportation Agency are easily accessed online. Another recommended site for extensive cycling information is the League of American Bicyclists, which has extensive information regarding coursework and instructors by state, an instruction information section for instructors, and education videos. It provides current information regarding advocacy, bicycle community, and events.

The San Francisco Police Department and the Bicycle Coalition cooperated on the production of a video regarding safe cycling which can be viewed at http://www.sfbike.org/?bikelaw_sfpd_video. Excellent resources include an internal training video produced by the Portland (Oregon) Police Bureau (October 2009) (<http://bikeportland.org/2009/10/07/portland-police-release-new-bicycle-traffic-enforce->

ment-training-video/). In the fall of 2009, the Chicago Police Department released a training video for its traffic enforcement officers. The video can be viewed at http://www.chicagobikes.org/video/index.php?loadVideo=police_training_2009.

Insurance

Not all cyclists are aware of the availability and the importance of property and liability insurance. Attorneys who represent cyclists in property and injury accidents frequently promote cyclist insurance.

According to San Francisco Examiner (August 11, 2009) reporter Danny Workman, bicycle owners are forced to cobble together at least three different types of insurance to approximate coverage under a comprehensive bicycle insurance policy.

- Insurance for the bicycle itself against damages or theft
- Medical protection for injuries to the bicyclist in case of an accident
- Third-party liability insurance that covers injuries and damages to another person or property

Bicycles are predominantly insured through the purchase of homeowners or renters insurance policies. While policies vary, most cover broad protection for personal possessions, liability and additional living expenses. According to the Insurance Information Institute (III)(<http://2.iii.org/index.cfm?instanceID=242793>):

Standard homeowners and renters insurance protects personal belongings against damage from fire, smoke, theft, water, lighting, vandalism, explosion, windstorm, and other disasters listed in the policy. Floods and earthquakes are not covered.

Bicycles have benefited from greatly improved technology making them light weight and durable. These improvements have increased the value of bicycles, particularly those used for daily commuting. This increase in value may require that bicycles be scheduled on an insurance policy, as are other high value items such as jewelry.

According to the III, Standard renters' and homeowners' insurance policies provide liability protection against lawsuits for bodily injury or property damage that policyholder and family members cause to other people. The liability portion of most policies pays for both the cost of defending the policyholder in court and for court awards, up to the limit of the policy. Liability limits generally start at about \$100,000. Higher limits are available and common in the Bay Area. Higher limits can also be purchased through an Umbrella or Excess Liability policy, which provides higher limits and broader coverage. Generally, umbrella policies cost \$200 to \$350 a year for an extra \$1 million of liability protection.

According to the National Highway Traffic Safety Administration (<http://www.nhtsa.dot.gov/>), 714 people were killed while bicycling in the United States

in 2008, and approximately 52,000 were injured. No statistics are available on how many of these people were insured.

Major insurers have not reported an upward trend in bicycle related insurance and claims issues. The insurance industry tends to be quick to react to such trends. For example, dog owners are now either surcharged or cancelled by many insurers if they own dog breeds considered to be at higher risk to bite. So it is a fair assumption that bicycle related insurance trends have not reached this point for the insurance industry.

According to BikePortland.org, At-fault motor vehicle operators who have their own auto insurance should be liable for any damages to you and your bike. If you have auto insurance it will most likely cover a crash that you cause, even if you are on your bike. Problems arise when an uninsured motor vehicle operator and a person on a bike without auto insurance collide, or worse, in the case of a hit-and-run. Lack of insurance is also a problem in the case of single vehicle crashes, such as when you hit the light rail tracks at the wrong angle and go down. So what's a car-free, health insurance free, cycle-commuter to do? There is no outright equivalent to car insurance offered to those who don't own cars, but here are some ways our sources have found to fill in the hole.

The major gap is for cyclists who do not purchase homeowners', renters' or auto insurance. Market size statistics are not available for this subset of the cycling community, however it is reasonable to assume that this demographic is present in San Francisco. If a bicycle is involved in an accident with an uninsured motorist, damage to the bicycle and the rider are likely to fall to the rider in most instances. While the physical damage to the bicycle and related liability might be significant, the health insurance risk related to the accident could easily amount to a catastrophic financial loss to the completely uninsured rider and become uncompensated care to the healthcare provider.

There is some movement around the country to create alternative markets for uninsured cyclists. According to BikePortland.org, *The catch: in order for the plan to be affordable to its members yet not pose a serious financial risk to the underwriters, it would have to cover a large pool of members outside of the highest risk group — cycle-commuters with no other insurance options.* The insurance industry has historically avoided such risky market segments, preferring to offer products which are secondary or tertiary to other, more established insurance lines such as homeowners, auto and tenants lines.

In other countries such as the United Kingdom, Australia and New Zealand, specialist insurance programs have been formed to offer cyclists protection against repair, lost wages, supplemental medical expenses and other accident related perils. There is some evidence of attempts to replicate these insurance offerings in the United States, but there has been little success to date. With the growth in cycling, these insurance products will likely experience further market development and growth.

Summary: Education

The Jury supports the Plan's focus to educate the public about bicycle safety. The goals are to create, fund, and implement 1) bicycle safety curricula for the general public and target populations; and 2) bicycle safety outreach campaigns for motorists, bicyclists, and the general public. While excellent resources are currently available, many others are being developed that support the goals of the Plan. Police should be included in the development in order to update and bring relevancy to police training materials. Renters' insurance (property and liability) is available to cyclists.

Enforcement

Chapter V of the *San Francisco Bicycle Plan* addresses improvement in bicycle safety through targeted enforcement. The objectives (Plan, 2009, p. xiii) are to:

1. Increase San Francisco Police Department enforcement of motorist and bicycle traffic violations that pose the greatest threat to safety, and
2. Provide San Francisco Municipal Transportation Agency bicycle safety information to San Francisco Police Department staff and to those cited for moving violations that focuses on safe cycling, relevant traffic laws, and safe sharing of the roadway.

The Plan's course of action (p. xiii) is to:

- Work with the San Francisco Police Department on enforcement of motorist and bicyclist violations that most frequently cause injuries and fatalities
- Work to develop a "fix-it" ticket for equipment violations
- Work with the Police Department to share non-collision bicyclists citations with the SFMTA
- Work with SFPD and Superior Court of California to develop a bicycle traffic school as an option for those cited for moving violations
- Support efforts to change California Vehicle Code section 21754 (passing on the right) so that it applies to bicycles,
- Increase parking enforcement and fines for violations involving vehicles parking or double-parking in bicycle lanes.
- Post "no-stopping bike lane" signs along bicycle lanes
- Work with the SFPD to increase enforcement of the prohibition of operating motorcycles in bicycle lanes.

Traffic Enforcement

Specific to the enforcement of motorist and bicycle traffic violations, the Civil Grand Jury reviewed the San Francisco Traffic Code, SFPD General Orders and Department Bulletins, and the California Vehicle Code. CVC 21200 states, "Every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to

the driver of a vehicle..." SFPD General Order 9.01 sets policies and procedures regarding, in part, traffic enforcement and moving violations.

While a motorist is granted a privilege from the State to operate a vehicle on the public byways, a cyclist or a pedestrian does not require such a specific grant. A motor vehicle license and an operator license are required and are subject to revocation. This forms a basis for compliance. Pedestrians and cyclists are not subject to licensing and conditional usage, and therefore do not bear the same consequences for their failure to comply. CVC 12951 requires that an operator of a motor vehicle shall have a valid driver's license in his/her possession at all times when driving a motor vehicle upon a highway. It is also required that the driver present his or her license for examination upon demand of a peace officer enforcing the provisions of this code. Both a motorist and a cyclist are subject to arrest when he/she fails to present a driver's license or other satisfactory evidence of identity for examination (CVC 40302). A cyclist is required by law to correctly identify him/herself and produce either a driver's license or its "functional equivalent." This means some form of government-based identification that "bears the person's photograph, physical description, current mailing address, and signature, and is serially or otherwise numbered."

Failure to identify oneself is usually a misdemeanor charge, in addition to the charge for the original traffic violation. A citation is in lieu of custodial arrest and is dependent upon the violator identifying him/herself as required by law. The arresting officer may have discretion as to whether to issue a citation or take the violator into custodial arrest (Mionske, 2007).

Licensing

Should cyclists be licensed to ride or obtain bicycle licenses? Some Universities such as University of California, Davis and the University of California, Berkeley, and some cities such as Santa Monica and Davis require bicycle licensing.

The Department of Motor Vehicles (DMV) accepts money for and provides registration stickers and forms to the agencies that request them. These are usually college campuses, fire and police departments, park and recreation services. Vehicle Code sections 39000-39011 give legal backing to those cities and counties which adopt a bicycle licensing ordinance or resolution, but the code sections do not really involve the DMV in the management of the registration program, as the cities and counties having a bicycle licensing ordinance or resolution maintain the records themselves. DMV only issues stickers to those who request them. It keeps no database (Email, DMV, Division of Traffic Operations, November 25, 2009).

The University of California, Davis, provides six reasons, which are fairly standard for most cities or campuses, why bicycles should be licensed: 1) theft prevention and recovery; 2) accident victim identification; 3) funding for bicycle programs; 4) low cost of licensing (maximum that can be charged is \$12 for a three-year license); 5) ease of registration; and 6) requirement of law (at (UCD)). This program is successful, as it is

estimated that 70% of bicycles on the UCD campus are licensed. Unlicensed bicycles are impounded or cited. A bicycle without brakes is also impounded. The advantages of licensing at UCD are that owners of a lost, stolen, abandoned, and/or an illegally parked bicycle can be identified. If a lock has to be cut or if a key malfunctions, assistance is provided; thieves tend not to steal registered bicycles (Interview, November 2009). The San Francisco Crime Laboratory warehouse is currently holding 600 unclaimed bicycles (San Francisco Chronicle, April 9, 2010). UCD holds auctions of unclaimed bicycles to raise funds for bicycle projects (Interview, November 2009).

The Civil Grand Jury considered recommending bicycle licensing as it is recognized by some as a tool for theft prevention and recovery, accident victim identification, moving violation identification, and funds for bike programs. The Jury, however, does not support licensing because the potential revenue generated would not cover the cost of administering the program as the state limits the charge to \$12 for a three-year license. Enforcement would be most challenging, and police time is better spent on enforcing current California Vehicle Code and Traffic Code violations. No database currently exists statewide upon which to build a theft recovery program. The stickers are so small that they cannot be read from a distance to support identification. Each cyclist, however, is required to produce some form of identification and can be cited for this violation.

A brief by the SFMTA Deputy Director of Transportation Planning regarding the licensing of bicycles and cyclists in San Francisco was prepared for the SFMTA Board of Directors on September 10, 2009. It is attached as Appendix B.

Citations

The Jury collected enforcement data from the County of San Francisco Superior Court Traffic Division (Traffic) and reviewed data recently published in the SFMTA City of San Francisco Bicycle Report (Bicycle Report, 2010). The jury looked at traffic fine collections for Traffic (moving violations) and collections of the Department of Parking and Traffic (DPT) for revenue comparisons. It analyzed specific types and frequency of traffic citations given to cyclists as well as fines and fees associated with bicycle citation and compared data to that of motorists. And lastly, it reviewed attitudes of the police and members of the bicycle community concerning ticketing of bicycle infractions.

The San Francisco Police Department issued a total of 204,673 moving violation citations, including 1,968 tickets to cyclists for the period January through December 2009 (Traffic, January 2010). Only 0.96% of the citations for moving violations were issued to cyclists.² Over ninety-nine percent of moving violations were issued to motorists in 2009. (See Appendix C for a breakdown of the 1,968 citations.)

The Jury believes that increased citations will lead to safer behavior by motorists, pedestrians, bicyclists, and motorcyclists. With increased enforcement, the Jury posits that collisions will decrease and safety will be enhanced. Therefore, increased enforcement should be a priority. A comparison of baseline and future data should provide the public with information about the rationale for and the efficacy of increased

enforcement. (Note: Adjustments to data may be indicated when transportation usage changes, e.g., increased bicycle or decreased automobile usage over time.) (See Appendix D for three tables concerning the top five causes of collisions of motorists and cyclists (and assignment of fault) in San Francisco, including the number of fatalities and injuries to motorists, pedestrians, bicyclists, and motorcyclists for the period 2001-2008).

Some violations of the Traffic Code and the California Vehicle Code registered as few as one citation in 2009 (e.g., CVC 21210--bicycle lying on its side on a sidewalk; CVC 21462--obey official traffic signal). Two citations in 2009 were due to violation of TC 30--proceeding wrong way down a one-way street. On the relatively high number of citations issued are the following examples. TC 96--bicycles restricted (907 citations); CVC 21201(d)--bicycle, during darkness headlight, red reflectors or rear pedal reflectors and side reflectors required (211); CVC 21353(a)--failure to stop at limit line at red light (192); CVC 21650.1--bicycle on roadway or shoulder required to be operated in same direction as motor vehicles (84); CVC 22450(a)--failure to stop at stop sign limit line (237); CVC 21201(a)--bicycle, single wheel brake required (23); and CVC 21950(a)--failure to yield to pedestrian in crosswalk (33).

The recently published Bicycle Report (2010) collected data on 1) riding on the sidewalk, and 2) riding the wrong-way. SFMTA interns counted 1,316 violations of riding on the sidewalk within forty-nine and a half (49.5) hours of observation in 2009. For the year 2008, the count was 1,179 violations within forty-eight hours. Violations have increased 7.6% from 2008 to 2009. The greatest number was 461 (1.5 hours of observation) at Cervantes and Marina Boulevards. This behavior may highlight perceived unsafe conditions by bicyclists. The San Francisco Police Department issued 907 citations (or approximately half of the citations issued during the 2009 year) for violation of TC 96 (bicycles riding on sidewalk) (Traffic, 2010).

Cyclists riding the wrong-way were much lower with 211 violations in forty-six and a half hours of observation in 2009. For 2008 there were 172 violations in forty-eight hours for an increase of 2.1%. The highest count was at 11th at Market with a count of forty within one and one half hours. San Francisco Police issued two citations during the 2009 year for Traffic Code 30 (proceeding wrong way down a one-way street). SFMTA states that it will continue to monitor riding on the sidewalk and riding the wrong-way on streets (Bicycle Report, 2010).

Cyclists riding to and from work increased 0.2% from 2008 to 2009 (Bicycle Report, 2010), yet these violations (observed during commute hours of 5:00 to 6:30 PM) increased 7.6% for riding on the sidewalk and 2.1% for riding the wrong-way on streets. Disparity exists between the observations of the SFMTA and the number of citations issued by SFPD. The increase in violations for riding on the sidewalk and riding the wrong-way may be due, in part, to two variables: 1) increase in the numbers of cyclists; and/or 2) failure to enforce the Traffic Code or California Vehicle Code, which in turn, may give tacit approval to violate the codes.

Helmet usage is at 69%. For previous years, it was 65% in 2006, 72% in 2007, and 67% in 2008. (SFMTA City of San Francisco 2009 Bicycle Count Report.) Thirty-one percent of the riders observed in SFMTA City of San Francisco 2009 Bicycle Count Report (January 2010) do not wear helmets. No citations were issued in 2009 by the San Francisco Police Department for violation of CVC 21212 (a): Person under 18 operating or riding as a passenger on a bicycle without wearing an approved helmet. Only one citation was given for violation of CVC 21235(c) for operation of a motorized scooter or bicycle without a helmet.

The fine for a bicycle infraction of the Traffic Code or the California Vehicle Code is \$25. In addition to fines, Court fees range from \$113 to \$149 for a total citation value of \$138 to \$174 (Traffic, January 2010). Fines for motorists are about ten or twenty times as costly. (Uniform Bail & Penalty Schedule, California Rules of Court, January 2009).

The Traffic Court actual revenue for 2008-9 was \$6,000,036 (line item 25110) for moving violations (Office of the Controller, March 1, 2010). (Traffic Court line item 25950, late penalties, realized \$483,219.) The actual revenue for moving violations is increasing (\$4,763,807 in 2005-6; \$4,963,628 in 2006-7; and \$5,403,656 in 2007-8). The revenue (2008-9) is distributed among the following per state code: Community Health Services (\$1,117,765); General Fund Unallocated (\$3,739,435); Police Department (\$1,124,102); and the Trial Court (\$18,734). The Police Department receives the Traffic Court late fees. (See Appendix E for Moving Violation Revenue 2006-2010.)

In contrast to the San Francisco Police Department issuance of citations and collections of fines, San Francisco Municipal Transportation Agency is responsible for parking related citations. (It is recognized that police have far more to address than moving violations and issuing a moving violation takes fifteen times as long to issue as a parking ticket (Interview, March 2010)). There are approximately 2000 police officers and 280 Parking Control Officers (PCO)). Department of Parking and Traffic (DPT) issued 1,932,416 citations (DPT, 7/13/09) for a total parking revenue of \$92,920,218. (SFMTA Finance Section, 9/10/09). This is an increase of 3.9% and 3.2% respectively over the prior year. SFMTA collected \$170,767,615 (2008) from meter fees, parking lot and garage fees, residential parking permits, and parking tickets.

Bicycle Traffic Court/School/"Fix-it" Tickets

The Bicycle Coalition suggests that there should be an opportunity to work a ticket off at a Bicycle Traffic School. This does not yet exist, but the Bicycle Coalition is working on such as plan. A Bicycle Traffic School is also a recommendation of the Plan.

For motorists, the California Vehicle Code 1808.7 mandates that only one (1) citation in an eighteen month period be masked from public view on a driver's record. In addition to any court fees, the school fees are \$20 to \$45. The bail and a \$52 administrative fee must be paid to the Court prior to completion. Classroom and online coursework are available. Only motorists receive points on a driving record.

There is no comparable traffic school option for cyclists. The Civil Grand Jury explored the possibility of a Community Justice Program for addressing infractions and was informed that the Community Justice Program does not address infractions. The County of San Francisco Superior Court Traffic Division does not have a Traffic Court/School or an option for bicycle citations. One of the objectives of the San Francisco Bicycle Plan is to "work with the SFPD and the Superior Court to develop and implement a bicycle traffic school program as an option for those cited for moving violations" (p. xiii). "Fix-it" tickets (p. xiii) are recommended when the citation involves such violations as riding without lights and/or reflectors or brakes. Citations for moving violations³ are an opportunity for bicycle-safety education for both motorist and cyclist.

Summary: Enforcement

Scott James, cited earlier in an article concerning attitudes and perceptions, reports "Tickets [to cyclists] remain rare in San Francisco, although rider-ship is up 53% since 2006, and with that boom has come a fairly rampant disregard for the rules of the road. Stop signs (and sometimes red lights) are routinely ignored" (NYT, 2009). To support his statement, a 40-minute videotape was made during rush hour at the four way stop at Duboce and Steiner. View it at <http://bayarea.blogs.nytimes.com/2009/11/06/the-backlash-against-cyclists/>. The result: seven cyclists came to a complete stop; fifteen paused; and ninety-one went right through the intersection. The Executive Director of the Bicycle Coalition is quoted in this article, stating, "We're eager for law enforcement to prioritize dangerous activity in the streets in relationship to the harm that it can cause."

Neither motorists nor cyclists receive a lot of citations, but motorists receive far more than bicyclists (99:1). On average, a police officer writes one cyclist citation a year and one motorist violation every three days. A police officer commented (Interview, December 2009) that the most aggressive officer in the department has had only twenty-seven cars towed (period not specified) while the average in most cities is three times that amount. San Francisco Municipal Transportation Agency and the San Francisco Police data diverge in what is observed (Bicycle Report, 2010) and what is cited (Traffic, 2010). The Bicycle Coalition is interested in prioritizing dangerous activity, and supports increased enforcement, as do many other bicycle groups.

The Jury believes all traffic laws should be subject to increased enforcement because they are the law. The Jury encourages the police to focus on the most reckless ("most serious") behaviors first. For bicyclists, this might include not stopping at red lights or stop signs or riding against traffic. For motorists, this might include speeding, running red lights, cutting off cyclists while turning, parking or standing in a bicycle lane, or passing bicyclists at a distance less than three feet.

A campaign to publicize increased enforcement is very important. The message from police and other city officials should be that the police are stepping up enforcement to help make the city streets safer for all street users, including bicyclists, pedestrians, and motorists, and that equal enforcement of the law will help improve trust and general relations between people using different types of transportation.

In addition, the publicizing should also emphasize that increased enforcement of bicycle and motorist laws related to bicycling is being complemented by (and is important for supporting) the city's efforts to provide better bicycle facilities and a more connected bicycle network throughout San Francisco.

Enforcement is important. The police have a role to play in ensuring that traffic laws are followed. Both motorists and bicyclists are required to follow the rules of the road (for their own safety and for the safety of all other roadway users). Prior to initiation of a stepped-up enforcement program, public outreach is good practice to make all roadway users aware that police would be watching traffic laws more closely for bicyclists and motorists.

Enforcement: Attitudes/Perception

The San Francisco police are trained to use discretion in enforcing motorist and bicyclist traffic violations (Interview, December 2009). The overriding principle for the police action is discretion, which was defined by the officers as "enforcing the spirit of the law, not the letter of the law." The determining factor in citing a motorist/bicyclist is the severity or impact of consequence of the infraction.

Police report a disparity of complaints received regarding their actions from motorists versus bicyclists. Only one complaint is generated from 100 motorist citations; twenty to thirty complaints out of 100 involve bicyclists. Because of the high incidence of complaints from a certain segment of the population, the police are reluctant to cite bicyclists. One reported that he was in a situation where he directed a cyclist to go around a taped-off crime scene at a shooting of three individuals on Market Street. The cyclists refused and went under the tape. He could not do much as he was on foot and essentially the cyclist "thumbed his nose," compromising a crime scene. Another officer admitted tension between groups, and that he has to deal with a dual system. He explained there are laws, and some violations are addressed and some are not. We sensed frustration on the part of the police officers reporting. Another police officer stated that they have certain beliefs about enforcement, but have to follow directives about what is important to do in light of the large responsibility they have. They understand the bicycle community and the political power it wields.

Many members of recognized bicycles groups support stronger police enforcement (Interviews, 2009-2010) of both motorists and cyclists. A prominent member of the bicycle community believes that the police should do more. They should issue citations, and they should show up in court so that the citation is not dismissed. Another member stated, "We are not above the law" (Interview, March 2010). Bicycle advisory organizations support the passage of Senate Bill 1475, contingent that the penalties being less severe than for motorists, (San Francisco Chronicle, April 8, 2010) which would prohibit cyclists from talking or messaging on cell phones while riding on streets.

Nevertheless, while advocating for more enforcement, the Bicycle Coalition website (http://sfbike.org/?bikelaw_ticket.faq) informs cyclists how to protest or "beat" a ticket. It says that if a citation does not get entered into the traffic court system, it essentially goes away. If the ticket is in the system, but if the citing officer does not show up at the courtroom for the hearing, the citation is dismissed. Either way, it recommends setting a court date and reporting for the hearing as most likely the matter will be moot. It advises that last year a new fine went into effect, so if one does not pay the ticket and it is in the system, there is an additional \$300 fine.

The Bicycle Coalition continues to inform cyclists that if the ticket that is issued doesn't indicate "bicycle," on the ticket, then the ticket can be fought on a technicality. Currently, moving violation tickets do not have a box for "bicycle." It has to be entered on the ticket. The Bicycle Coalition claims that police are not experts on the vehicle code as it relates to bicycle violations. And lastly, it advises not wasting one's time going to the Hall of Justice, but to call and see if the ticket is in the computer. Nothing happens unless it gets into the computer. The Bicycle Coalition says, "The cop's ticket book may get lost or dropped in a cup of Krispy Kreme coffee, for example." If the ticket doesn't get into the computer, it doesn't exist. If you bring the ticket in, it will get entered into the computer. After 180 days, it is a "dead ticket."

Summary: Enforcement--Attitudes/Enforcement

Members of the police department have shared their frustration regarding the mixed messages they receive regarding ticket enforcement and the lack of support they receive from the community and clear and focused direction from the Department. The bicycle community, for the most part, desires more police enforcement.

Equity

Equity, defined as perceived fairness, is essential to the successful formation of bicycle policy on a citywide basis in a densely populated urban area.

Do cyclists pay their fair share as they claim? The bicycle community for the most part believes that:

- Bicycles are a low impact vehicle
- Cycling should be encouraged as any further financial contribution would act as a deterrent
- Fair share of taxes is paid through local and state sales taxes including the ½ cent sales tax (Proposition K).

Should the cyclists pay to share the road? If they did, would this improve motorists' attitudes? What is a fair share? Or what is just a share?

The primary objective of the Transit First Policy⁴ (TFP) is the safe and efficient movement of people and goods. While public transportation, taxis, and vanpools are

viewed as an economically and environmentally sound alternative to the transportation by individual automobiles, the TFP does not require one mode of transportation to financially support all costs associated with road usage. San Francisco should be careful not to pit one group against another through taxes, fines, and fees. The TFP does not preclude bicyclists from contributing to the cost of sharing the roadway.

A "negative registration" process could capture the names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where prescribed safety education would be required. The format of the court, including a cycle-friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts. A nominal fee raised through "negative registration" to reduce resentment would most likely not be a deterrent to cycling. There is potential for perceived equity and fairness. The data collected should contribute to the Chief of Police's goal of relevant community safety and law enforcement statistics. A database is established, fees are generated, and equity is addressed.

Summary: Equity

The data collected through "negative registration" should contribute to the Chief of Police's goal of relevant community safety and law enforcement statistics. A database is established, fees are generated, and equity is addressed.

New Directions

This section includes some recent developments that are indicative of change to come.

The Bike NoPA is a newly formed (2010) bicycle group that says while it looks like Critical Mass, "that illegal bicycle parade," it is not. The NoPA-Velo rider actually stops at red lights to let cross-traffic through. As they say, "that makes all the difference." They ride the last Sunday morning of the month. Thirty-five cyclists participated on the January 31, 2010 inaugural route. The rides are developed around themes, such as sites associated with Patty Hearst (January). The February Lake Merced route is entitled the *Deadly Duel*--the duel between a U.S. Senator and a Supreme Court Justice over abolition. NoPA-Velo is all about bicycling and livability in San Francisco's North Panhandle neighborhood. It is a joint venture of the police and the Bicycle Coalition.

Organizations such as Bike NoPA should ease conflict and support a culture in which everyone regards himself/herself as a part of the community, not as a cyclist or as a motorist.

Chief of Police George Gascon is considering addressing the issue of Critical Mass, the last Friday of the month ride that ties up traffic. Currently, the police assign officers and

a supervisor to a "pedal parade" that it cannot control. The Chief is looking at a New York policy that requires bicycle groups larger than fifty to obtain a permit. The permit would "put someone on the Critical Mass side down as responsible, map out a specific route, give drivers warning and possibly require payment for the police time expended escorting the group across the city" (*Curb Critical Mass*, San Francisco Chronicle editorial, March 17, 2010).

In response to concerns about an injury accident involving a taxi and cyclist where no citations were issued by the police, the bicycle community requested and received increased SFPD enforcement at the intersection at Fell and Masonic Streets. Captain Barrett, Captain of Park Station, has increased "sting" operations. Over the weekend of February 20-21, 2010, SFPD Park Station issued fourteen citations, thirteen to motorists and one to a cyclist, for red light running.

Challenge for Change (<http://getmorepeoplecycling.com/>) looks at the best way to change people's perceptions about cycling. One suggestion it proposes is to get people to support cycling through the experience of cycling. For example, encourage experienced cyclists to buddy up with a "rookie" cyclist. The Challenge for Change group felt that a suggestion such as this would break down people's negative perceptions towards cycling and create some new positive perceptions toward it.

Conclusion

The Civil Grand Jury investigated attitudes and perceptions of motorists and cyclists to improve the safety of all those who share the roads. If the City and County of San Francisco truly want to increase responsible bicycle use, it will need to solve the issues of anger, misunderstanding, and mistrust among motorists, cyclists, police, transit riders, and pedestrians, and increase everyone's view of shared responsibility on the roadway. Solving these issues will ease the conflict regarding facilities and network of bike lanes, targeted enforcement and education, and will foster a culture in which everyone regards himself/herself as a part of the community, not an isolated cyclist or motorist. Attitudes are changed and perceptions are informed through education, enforcement, and equity.

In this report, the Civil Grand Jury identified several areas that would encourage conversation and discourage confrontation between the cyclist and the motorist. Findings and Recommendations follow.

Footnotes:

¹*The San Francisco Bicycle Plan: November 25, 2009:* The San Francisco Superior Court partially lifted the three-year-old injunction prohibiting the implementation of the Bicycle Plan which prevented all physical improvements for bicycles in San Francisco. *June 26, 2009:* The San Francisco Municipal Transportation Agency (SFMTA) voted to adopt the 2009 San Francisco Bicycle Plan. Adoption of the Bike Plan and the full environmental review (EIR) are required to unlock the injunction. *November 2006:* Superior Court Judge Peter Busch handed down his verdict on the lawsuit against the San Francisco Bicycle Plan. The preliminary injunction in effect since June 2006 continues in force, forbidding the city from physical streetscape changes for the sake of bike improvements until the city has completed a full environmental review.

²The Bicycle Report of 2010 estimates that 6% of all trips are by bicycle (p. 4.) while 2.9% is the percentage of trips to work by bicycle (p. 4).

³Five top reasons for cyclist collisions in San Francisco where bicyclists were at fault (1998-2006):

1. Unsafe speed
2. Failure to stop at red light line limit
3. Wrong side of roadway
4. Failure to yield to approaching traffic
5. Failure to stop at STOP sign limit line

Five top reasons for collisions with cyclists where motorists were at fault:

1. Opening car door when unsafe
2. Failure to yield when turning left
3. Unsafe turn and/or without signaling
4. Unsafe speed
5. Failure to stop at red light limit line

Also see Appendix D for additional data concerning at-fault statistics and fatalities and injuries to motorist, pedestrians, bicyclists, and motorcyclists.)

⁴*Transit-First Policy.* San Francisco City Charter, Section 8A.115

a) The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, boards, commissions, and departments shall implement these principles in conducting the City and County's affairs:

1.To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

2.Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle

and on foot must be an attractive alternative to travel by private automobile.

3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

4. Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.

5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.

6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.

8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.

9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.

10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway. (Added November 1999)

(b) The City may not require or permit off-street parking spaces for any privately-owned structure or use in excess of the number that City law would have allowed for the structure or use on July 1, 2007 unless the additional spaces are approved by a four-fifths vote of the Board of Supervisors. The Board of Supervisors may reduce the maximum parking required or permitted by this section. (Amended by Proposition A, Approved 11/6/2007)

V. FINDINGS

VI. RECOMMENDATIONS

<u>Attitudes/Perceptions</u> (See pp. 6-11.) 1. Issues of conflict, anger, mistrust, and misunderstanding exist among motorists, cyclists, and the police. Studies and reports of attitudes indicate motorists and cyclists both exhibit negative attitudes, hostility, and lack of understanding of each other's concerns.	1. Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011. The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report. The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011. The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.
<u>Education</u> (See pp. 13-17.) 2a. Availability of safe cycling educational materials in many formats is extensive, yet there is no systematic distribution to non-cyclists, motorists, and police.	2a. The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.
2b. Police training materials are out-of-date and not relevant. The Plan's goals, objectives, and actions do not include the police. The California Commission on Peace Officer Standards and Training (POST) is a center for information on training materials.	2b. By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.

2c. Cyclists may not be aware of the advantages of having liability insurance. Homeowners' insurance covers those cyclists who own a home; renters' insurance (property and liability) provides coverage if one does not have homeowner's insurance.	2c. The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.
2d. Police involvement is critical to the success of the Plan, yet their involvement has been minimal; the authors of the Plan only included one officer (a member of the Technical Advisory Committee) among a group of 119 individuals listed under acknowledgements. Pedestrians, public transit riders, and motorists were not represented.	2d. The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.
<u>Enforcement</u> (See pp. 17-22.) 3a. Traffic enforcement of the Traffic Code and California Vehicle Code is often lax. The bicycle community, for the most part, desires effective and consistent police enforcement. A campaign to publicize increased enforcement could help make the city streets safer for all street users, including bicyclists, pedestrians, and motorists. Equal enforcement of the law will help improve trust and general relations between people using different types of transportation. Publicizing should also emphasize that increased enforcement of bicycle and motorist laws related to bicycling is being complemented by (and is important for supporting) the city's efforts to provide better bicycle facilities and a more connected bicycle network through-out San Francisco.	3a. The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.
3b. The Plan calls for increasing SFPD enforcement of motorist and bicyclist traffic violations that pose the greatest threat to safety, and for SFMTA to provide	3b, 3c, and 3d. Police should enforce the Traffic Code and California Vehicle Code. Starting September 2010, the police should

bicycle safety education to SFPD staff and to those cited for moving violations that focuses on safe cycling, relevant traffic laws and safe sharing of the road. The Plan recommends that SFPD does the following: place a high priority on violations that most frequently cause injuries and fatalities; develop a "fix-it" ticket program for equipment violations; share data with SFMTA; and develop and implement a bicycle traffic school. The police are requested or will be directed to implement these programs, yet they appear to be the only group not included in the development of the Plan's Enforcement recommendations. Not all moving violation citations get into the computer. Some tickets are dismissed due to technicalities (e.g., no "bicycle" box on the ticket). 3c. Neither motorists nor cyclists receive many moving violation citations. Enforcement of the Traffic Code and California Vehicle Code is weak. (See data on pages 19-21 and Appendix C.) Motorists receive 99:1 of the moving violation—citations. Police officers on average a bicyclist once a year and ticket a motorist every third day. 3d. Bicycling to work is at 2.9%, an increase of 0.2 over the prior year. The increase in violations (2008 to 2009) for riding on the sidewalk (7.6%) and riding the wrong-way (2.1%) may be due to, in part, two variables: 1) increase in the numbers of cyclists; and/or 2) failure to enforce the Traffic Code or California Vehicles Code, which in turn, may give tacit approval to violate the codes.	have a goal of entering all bicycle citations into the database. By January 1, 2011, San Francisco moving violation tickets should include a box for "bicycle." By January 1, 2011, COMSTAT should include a section for bicycle related data.
3e. San Francisco does not require licensing bicycles or cyclists. Administering the program would be expensive and enforcement would be challenging. The usual reasons to support	No recommendation. (Any modification to current state traffic code requires an action by the legislature.)

licensing are: theft prevention, accident victim identification, and funds for bicycle programs.	
3f. There is no Bicycle Traffic School/Court or "fix-it" ticket option for cyclists. A Bicycle Traffic Court/School and a "fix-it" ticket program would provide an opportunity for bicycle education, which will increase safety for all.	3f. By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.
3g. Because of the frequent complaints made about police by cyclists, the police are reluctant to cite cyclists. Members of the police department have shared their frustration regarding the mixed messages they receive regarding ticket enforcement and the lack of support they receive from the community. Police officers comment that they "enforce the spirit of the law, not the letter of the law." The determining factor in citing a motorist/bicycles is the severity or impact of the consequences of the infraction. The police cite the power of the bicycle community, and the power they are perceived to wield.	3g. There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.
<u>Equity</u> (See pp. 24-25.) 4. The bicycle community views itself as engaging in a low-impact activity, that cycling should be encouraged, and that any further financial contribution would act as a deterrent and that cyclists pay their fair share through state and local sales taxes. Most of the non-cycling community believe that cyclists do not pay a fair share. While it is difficult to provide exact numbers to support or deny this claim, it is found that some fees associated with cycling be considered. It would seem that some contribution, even a nominal amount,	4. The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through

would do something to reduce the tension regarding this strongly held belief by non-cyclists.

The primary objective of the Transit First Policy (TFP) is the safe and efficient movement of people and goods. While public transportation, taxis, and vanpools are viewed as an economically and environmentally sound alternative to the transportation by individual automobiles, the TFP does not require one mode of transportation (e.g., automobile or transit) to financially support all costs associated with road usage. San Francisco should be careful not to pit one group against another. The TFP does not preclude bicyclists from contributing to the cost of sharing the roadway.

A nominal fee raised through "negative registration" to encourage safety would most likely not be a deterrent to cycling. The data collected should contribute to the Chief of Police's goal of relevant community safety and law enforcement statistics. There is potential for perceived equity. A database is established, fees are generated, and equity is addressed. .

collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.

VII. REQUEST FOR RESPONSE

Responses to the recommendations in this report are required by the Board of Supervisors and city offices and department in accordance with the following list and state law. Responses are to be in writing and addresses to the Honorable James McBride, Presiding Judge, Superior Court of California, City and County of San Francisco, San Francisco Civil Center Courthouse, 400 McAllister Street, San Francisco, California, 94102.

Board of Supervisors	90 days
Office of the Mayor	60 days
Office of the San Francisco Police Department	60 days
Office of San Francisco Municipal Transportation Agency	60 days
Bicycle Advisory Committee	60 days

Respondent	1	2a	2b	2c	2d	3a	3b	3c	3d	3f	3g	4
90 Days												
BOS	X	X	X	X	X	X	X	X	X	X	X	X
60 Days												
Mayor	X	X				X				X	X	X
SFPD	X	X	X	X	X	X	X	X	X	X	X	X
SFMTA	X	X	X	X	X	X				X	X	X
BAC	X	X	X	X	X	X				X	X	X

XIII. APPENDIX

A. References

- Atkins, Linda. *Bike About Town*. San Francisco Chronicle, December 17-20, 2009.
- Basford, L, S. Reid, T. Lester and J. Thomsom. *Drivers' Perceptions of Cyclists*. Glasgow: University of Strathclyde, 2002.
- Bluejay, Michael. *Critical Mass*.
<http://critical-mass.info/>
- Bicycle Advisory Committee. *Agendas and Minutes, 1998-2010*.
http://www.sfgov.org/site/bac_meeting.asp?id=12044
http://www.sfgov.org/site/bac_index.asp?id=23570
http://www.sfgov.org/site/bac_index.asp
- Bike NoPA.
<http://ibikenopa.blogspot.com/>
- California Commission on Peace Officer Standards and Training.
http://www.post.ca.gov/About_Us/What_is_POST.asp.
- California Transportation Financing Summary, Fiscal Year 2009-2010*. Sacramento, January 2010.
- California Vehicle Code Sections (1-42277); 21200-21212; 39000-39011. Sacramento, 2010.
- Comprehensive Bicycle Plan*. Davis: City of Davis Public Works Department and City of Davis Bicycle Advisory Commission. October 2006.
- Campus Bicycle Plan*. University of California, Berkeley. Berkeley, August 2006.
- Carlsson, Chris. *Recycling Our Living Space*. San Francisco Chronicle, October 4, 2009.
- Carroll, Jon. *When You're Riding at Night, Wear White*. San Francisco Chronicle, October 22, 2009.
- Carroll, Jon. *Why Can't We All Just Get Along?* San Francisco Chronicle, November 10, 2009.
- Challenge for Change*. <http://getmorepeoplecycling.com/>
- Chase, Al. *Bicycling Needs Support*. San Francisco Examiner, Letter to the Editor, 2009.

- City and County of San Francisco Consolidated Budget and Annual Appropriation Ordinance.* San Francisco: 2009-2010, 2008-2009, 2007-2008, 2006-2007, 2005-2006.
- City and County of San Francisco Transit-First Policy, Section 8A.115.* Amended by Proposition A, Approved 11/6/2007.
- City and County of San Francisco Traffic Code Sections.
<http://www.municode.com/content/4201/14143/HTML/index.html>
- City-Data.com. Citytoplists. *Top 101 Cities with the Most People Taking a Bicycle to Work (Population 5000+)*
<http://www.city-data.com/topo2/h38/html>.
- Comprehensive Bicycle Plan.* Davis: City of Davis Public Works Department and City of Davis Bicycle Advisory Commission. October 2006.
- Dames, Joanne. *The Road Has Rules.* San Francisco Chronicle, Letter to the Editor, October 5, 2009.
- Daston, Lorraine. *Life, Chances, and Life Chances.* *Daedalus*, pp. 5-14, 2008.
- Department of Motor Vehicles, Division of Traffic Operations, email message to CGJ, November 25, 2009.
- Donnan,A. McKie. *The Human-Interest Safety First Campaign in San Francisco.* *American City* 23, p. 154, 1920.
- Epstein, Howard. *Letter to Editor Response Regarding Critical Mass' Naked Spirit Rides On* (December 26, 2009). San Francisco Chronicle, January 2, 2010.
- Finger, Dan. *Critical Mass: You're Not Helping.* San Francisco Chronicle, Letter to the Editor, November 6, 2009.
- Gaines, Kathleen. *Watch Out.* San Francisco Chronicle, Letter to the Editor, July 2009.
- Galloway, Angela. *Should Bicyclists be Licensed to Ride? They Share the Road, So Some Say They Should Share Costs.* Seattle: Seattle Post Intelligencer, December 25, 2007.
- Gordon, Rachel. *Board OKs All but One Item of Bike Plan.* San Francisco Chronicle, June 6, 2009.
- Gordon, Rachel. *Stalled Bicycle Plan on Verge of Taking a Big Leap Forward.* San Francisco Chronicle, June 25, 2009.

Insurance Information Institute. *Renters Insurance*.
<http://www.iii.org/index.cfm?instanceID=242793>.

Insurance Information Institute. *Renters Insurance Average Premiums*.
<http://www.iii.org/facts/222653.html>.

Insurance Information Institute. *Renters Insurance Remains a Cost-Effective Purchase, Even in Tough Times*. November, 24, 2009.

James, Scott. *San Francisco's Cyclists Facing Backlash for Flouting Rules of the Road*. New York Times, November 5, 2009.

Lawrence, George. *I'm a Bike Victim*. San Francisco Chronicle, Letter to the Editor, November 20, 2009.

League of American Bicyclists. *American Community Survey Bicycle Commuting Trends, 2000-2008*.
<http://www.bikeleague.org/>

Linker, Richard. *Bike Arrogance*. San Francisco Chronicle, Letter to the Editor, July 2009.

Literature Review on Vehicle Travel Speeds and Pedestrian Injuries. U. S. Department of Transportation, National Highway Traffic Safety Administration, October 1999.

Los Angeles Daily News Staff Writer. *Los Angeles City Council Repeals Bicycle License Fee*. Los Angeles, June 2, 2009.

Maher, Brian. *A Bicycle Free-for-All on Market*. San Francisco Chronicle, Letter to the Editor, October 1, 2009.

Marquez, Kevin J. *Bicyclists Are Dangerous*. San Francisco Examiner, Letter to the Editor, December 13, 2009.

McKie Donnan, 1920, in Norton, Peter D. *Street Rivals: Jaywalking and the Invention of the Motor Age Street*. Baltimore: John Hopkins University Press, Technology & Culture, Volume 48, Number 2, April 2007

Mionske, Bob. *Enough! Don't Play ID Games with Cops*. September 4, 2007.
<http://www.bikeforums.net/showthread.php?339978-Enough!-Don-t-play-ID-games-with-cops>

Montgomery, Linda. *"Surviving Streets of San Francisco."* San Francisco Chronicle, Letter to the Editor, October 22, 2009.

- Myrick, Bryan. *"Regional Emphasis on Road Sharing Raises Need for Licensing and Regulation of Bicycles and Riders."* San Francisco Examiner, March 4, 2009.
- National Association of Insurance Commissioners. *Consumer Alert: Renters Insurance for College Students.*
http://www.naic.org/documents/consumer_alert_renters.htm.
- Nature. *Monkeys Strike for Justice.* Volume 425, pp. 297-299. September 18, 2003.
- Norton, Peter D. *Street Rivals: Jaywalking and the Invention of the Motor Age Street.* Baltimore: John Hopkins University Press, Technology & Culture, Volume 48, Number 2, April 2007.
- Office of Citizen Complaints. *Complaints Involving Bicycle Operation or Bicyclists for Years 2008-2009.* San Francisco, February 11, 2010.
- Parolek, Daniel. *Time to Rethink Neighborhoods.* San Francisco Chronicle, October 4, 2009.
- National Survey of Pedestrian & Bicyclist Attitudes and Behaviors.* U. S. Department of Transportation's National Highway Traffic Safety Administration and the Bureau of Transportation Statistics, 2002.
- Pedestrian and Bicycle Facilities in California: A Technical Reference and Technology Transfer Synthesis for Caltrans Planners and Engineers.* Alta Planning + Design. Prepared for California Department of Transportation, July 2005.
- Portland Police Release new Bicycle Traffic Enforcement Training Video.* Portland: Portland Police Department, October 7, 2009.
<http://bikeportland.org/2009/10/07/portland-police-release-new-bicycle-traffic-enforcement-training-video/>.
- Pucher, John and John L. Renne. *"Socioeconomics of Urban Travel: Evidence for 2001 National Highway Traffic Survey,"* 2003.
- Rawls, John. *A Theory of Justice.* Oxford; Oxford University Press, 1999.
- Reisman, Will. *"Bike Plan Still Awaiting Decision on Injunction."* San Francisco Examiner, October 14, 2009.
- Richie, Andrew. *"Obey the Rules of the Road."* San Francisco Chronicle, Letter to the Editor, July 2009.
- San Francisco Bay Area Travel Survey (BATS) Regional Travel Characteristics Report.* Oakland: Metropolitan Transportation Commission, Vol. I, August 2004.

- San Francisco Bicycle Coalition. *"Bike Plan Lawsuit: Bike Plan on Hold--Lawsuit Freezes Bike Improvements."* San Francisco, undated.
http://www.sfbike.org/?bikeplan_lawsuit
- San Francisco Bicycle Coalition. *Resources.*
<http://www.sfbike.org/?resources>
- San Francisco Chronicle. *Curb Critical Mass.* Editorial, March 17, 2010.
- San Francisco Chronicle. *Fixing the Lab, Step by Step.* April 9, 2010, p. A1.
- San Francisco Chronicle. *Lawmaker Wants Hands-free Law to Cover Cyclists.* April 8, 2010, p. A1.
- San Francisco Chronicle. *The Weekly Poll: Do we need new laws to reduce tensions between motorists and cyclists?* San Francisco, December 12, 2010. San Francisco Police Department. *Basic Bicycle Patrol Skills and Tactics.* 1998.
- San Francisco Examiner. *Insurance 101: Where to Buy Bicycle Insurance?* August 11, 2009.
<http://www.examiner.com/x-7060-Insurance-Industry-Examiner~y2009m8d11-Insurance101-Where-to-buy-bicycle-insurance>
- San Francisco Police Department. *10-Hour Bicycle Patrol Skill Course.* Undated.
- San Francisco Police Department. Department Bulletin 07-07 (1/22/07) *Bicycle Riding Restrictions on Sidewalks-Please Officer Exemptions.*
- San Francisco Police Department. Department Bulletin 09-109 (5/7/09) *Vehicle Accidents.*
- San Francisco Police Department. Department Bulletin 09-110 (5/8/09) *Traffic Accidents/Incidents Involving Bicycles.*
- San Francisco Police Department. General Order 9.01 (8/10/94) *Traffic Enforcement.*
- San Francisco Police Department. General Order 9.02 (8.10.94) *Vehicle Accidents.*
- San Francisco Municipal Transportation Agency. *Coexist Campaign.* San Francisco, undated.
<http://sfmta.com/cms/bsafe/3828.html>
- San Francisco Municipal Transportation Agency City of San Francisco Bicycle Court Report 2009. San Francisco, January 2010.

- San Francisco Municipal Transportation Agency. Division of Safety, Records & Enforcement Division, 2009.
- San Francisco Municipal Transportation Agency. *San Francisco 2007 Collision Report*. San Francisco, October 14, 2008.
- San Francisco Municipal Transportation Agency. *San Francisco Bicycle Guide*. San Francisco, undated.
www.sfmta.com/cms/bsafe/documents/BicycleGuide_2006_000.pdf
- San Francisco Municipal Transportation Agency. *San Francisco Bicycle Plan*. San Francisco, June 26, 2009.
<http://www.sfmta.com/cms/bproj/bikeplan.htm>
- San Francisco Municipal Transportation Agency. *San Francisco Transportation Fact Sheet*. " San Francisco, May 2008.
- San Francisco Traffic Court. *12 Month Period--Number of Bicyclist Citations*. San Francisco, January 2010.
- Singer, Marilyn. *Out of Control*. San Francisco Chronicle, Letter to the Editor, July 2009.
- Splork. *I Am a Cyclist: An Open Letter to Car Drivers Everywhere*
<http://hubpages.com/hub/I-am-a-cyclist>. Undated.
- Statewide Integrated Traffic Records System (SWITRS) User's Guide for the Traffic Records Data Output*. Sacramento: Department of California Highway Patrol, April 1997.
- Sullivan, Bobby. *Watch Out, Angry Cyclist*. San Francisco Chronicle, Letter to the Editor, February 14, 2010.
- Superior Court of California, County of San Francisco. *Biennial Report Fiscal Years 2007-2008*.
- Tanner, Michael. *Bike About Town*. San Francisco Chronicle, October 22-25, 2009.
- Traffic Enforcement for Bicyclist Safety. Chicago: Chicago Police Department., June 6, 2009.
http://www.chicagobikes.org/video/index.php?loadVideo=policy_training_2009.
- Troubling Story of SFPD Bias Against Bicycle Riders*. sf.streetsblog.org. December 4, 2009.

Troy, Amy and KGW.com Staff. *After 3-Hour Debate, City \$600 Million Bike Plan Vote Delayed*. Portland, Oregon: kgw.com News, February 4, 2010.

University of California, Davis Transportation and Parking Services, 2009-2010 Handbook. Davis, 2009.

University of California, Los Angeles. *Brain Reacts to Fairness As It Does to Money and Chocolate, Study Shows*. UCLA Newsroom, April 21, 2008.
http://newsroom.ucla.edu/portal/ucla/brain-reacts-to-fairness-as-it-49042.aspx?link_page_rss=49042

Vachon, David. *Bicycle Invented in Paris*. Landisville, PA: Old News, February/March 2010.

Wachs, Martin. *Local Option Transportation Taxes; Devolution as Revolution*. Access, Number 22, Spring 2003.

White, Stephanie. *Off the Sidewalk*. San Francisco Chronicle, Letter to the Editor, November 24, 2009.

Wikipedia. *Critical Mass*.
http://en.wikipedia.org/wiki/Critical_Mass

Xing, Yan, Susan L. Handy, and Theodore J. Buehler. *Factors Associated with Bicycle Ownership and Use: A Study of 6 Small U. S. Cities*. Davis, CA: University of California, Davis, 2008.

APPENDIX

B. Memorandum prepared at the request of SFMTA regarding the licensing of bicycles and cyclists in San Francisco, September 10, 2009.

MEMORANDUM

DATE: September 10, 2009

TO: SFMTA Board of Directors
Tom Nolan, Chairman
Rev. Dr. James McCray Jr., Vice-Chairman
Cameron Beach, Director
Shirley Breyer Black, Director
Malcolm Heinicke, Director
Jerry Lee, Director
Bruce Oka, Director

THROUGH: Nathaniel P. Ford Sr.
for Executive Director/CEO

THROUGH: Carter R. Rohan R.A.
Senior Director
Transportation Planning & Development

FROM: Amit K. Ghosh, Ph. D.
Deputy Director, Transportation Planning

RE: Licensing of Bicycles and Cyclists in San Francisco

This brief is prepared at the request of the San Francisco Municipal Transportation Agency Board of Directors.

Legal Authority

Bicycle licensing programs in the State of California are enacted under Section 21206 of the California Vehicle Code (CVC), which states that local authorities are not prevented from regulating the registration of bicycles provided such regulation is not in conflict with the provisions of the CVC. The regulation of bicycle licensing is further defined by Section 39000 of the CVC - Registration and Licensing of Bicycles. Full text of both sections can be found in Attachment 1.

Please note that the vehicle code sections described above pertain solely to the registration of bicycles, and the issuance of "bicycle license indicia." These indicia, akin to license plates on vehicles, are used mainly as an aid in recovering stolen bicycles and do not pertain to the actual operation of bicycles. In contrast, state code does not authorize local jurisdictions to license cyclists, the operators of bicycles.

Legal consensus, confirmed by the City Attorney, is that licensing at the local level is therefore preempted by the state and cannot legally be carried out without first amending state code.

Background

San Francisco had an inactive bicycle licensing program that was enabled by Article 5A of the 1995 San Francisco Traffic Code (Attachment 2). The project was conceived by SFPD in 1995 to deter bicycle theft but became defunct as the program failed to serve its intended purpose or be cost-effective. The program was voluntary and was separate and apart from CVC 39001 enacted programs. This provision no longer exists in the current updated San Francisco Transportation Code.

Police and Fire stations have traditionally been used as venues for bicycle licensing given their geographic distribution and capacity for administration and record keeping. However, because the modest registration fees limited by state law typically do not cover the cost of administration, and police and fire departments may not see bicycle licensing as part of their core responsibilities, many local jurisdictions have decided to forego their bicycle licensing programs or have simply stopped enforcing ordinances that require bicycles to be licensed, as is the case in Oakland, Berkeley, San Jose and Los Angeles.

Other less costly and more effective means of bicycle record storage exist to aid in recovering stolen bicycles, such as the National Bike Registry. The National Bike Registry is a national database which catalogs bicycles and their owners via individual serial numbers cast or stamped onto the frame of every bicycle. According to the Registry, approximately 350,000 bicycles are registered nationwide, and approximately 2,000 bicycles are registered in San Francisco through their services.

Opportunities & challenges to developing a local bicycle licensing program

- Offers some help in recovering stolen bicycles
- Only applies to residents; many non-resident cyclists visit San Francisco daily
- Fees set by state code make such programs largely not cost-effective
- Could serve as a disincentive to travel by bicycle
- Onerous for those with multiple bikes

Opportunities & challenges to developing a local bicyclist licensing program

- Could offer an opportunity for much-needed bicyclist education
- The City currently does not have the authority; would require state legislation to amend the CVC
- Only applies to residents; many non-resident cyclists visit San Francisco daily
- Would serve as a major disincentive to travel by bicycle
- Would face strident opposition from bicycling community
- No other such programs exist in this country
- No source of funding exists; user fees would further discourage bicycle use

Attachment 1: CVC Excerpts

Article 4 of Chapter 1 of Division 11 of the California Vehicle Code:

21206. This chapter does not prevent local authorities, by ordinance, from regulating the registration of bicycles and the parking and operation of bicycles on pedestrian or bicycle facilities, provided such regulation is not in conflict with the provisions of this code.

Article 4 of Chapter 1 of Division 16.7 of the California Vehicle Code:

39000. "Bicycle", for the purposes of this division, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least 20 inches in diameter) or having a frame size of at least 14 inches, or having four or more wheels.

39001. (a) The department shall procure and distribute bicycle license indicia and registration forms to all counties and cities which have adopted a bicycle licensing ordinance or resolution. Those counties and cities shall issue the indicia and registration form to the owner of any new bicycle, and may, upon request of the owner, issue an indicia and registration form to the owner of any bicycle which complies with Section 39007.

The department shall charge and collect a fee, not to exceed the cost of procuring and distributing the license indicia and registration form, for each bicycle license indicia and registration form issued. All fees collected pursuant to this section shall be deposited in the Motor Vehicle Account in the State Transportation Fund. Those fees are hereby continuously appropriated from the account for use by the department to defray costs to procure and distribute the bicycle license indicia and registration forms.

(b) The director shall design the bicycle license indicia and registration form described in subdivision (a), and shall establish procedures for the distribution of the indicia and registration form to counties and cities. The indicia shall be adhesive, durable, flexible, and of a size to permit it to be affixed to the front of the seat tube of the bicycle frame. Each indicia shall bear a unique license number and shall be permanently assigned to a bicycle. Each registration form shall comply with Section 39005.

(c) Bicycle licenses shall be renewed uniformly throughout the state on January 1 of the third year following the year of registration. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed parallel to, and above or below, the indicia, with the expiration date showing.

39002. (a) A city or county, which adopts a bicycle licensing ordinance or resolution, may provide in the ordinance or resolution that no resident shall operate any bicycle, as specified in the ordinance, on any street, road, highway, or other public property within the jurisdiction of the city or county, as the case may be, unless the bicycle is licensed in accordance with this division.

(b) Any bicycle not licensed under this division may be additionally regulated or licensed pursuant to local ordinance or may be licensed upon request of the owner.

(c) It is unlawful for any person to tamper with, destroy, mutilate, or alter any license indicia or registration form, or to remove, alter, or mutilate the serial number, or the identifying marks of a licensing agency's identifying symbol, on any bicycle frame licensed under this division.

39003. If a city or county has or adopts a bicycle licensing ordinance or resolution, indicia and a copy of the registration form obtained from the department shall be issued to the owner by the city or county or other licensing agency designated by it.

39004. Each licensing agency, by ordinance or resolution, may adopt rules and regulations for the collection of license fees. Revenues from license fees shall be retained by the licensing city or county and shall be used for the support of such bicycle ordinance or resolution, and may be used to reimburse retailers for services rendered. In addition, fees collected shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the limits of the jurisdiction.

The fees required to be paid pursuant to the provisions of this division are:

(a) For each new bicycle license and registration certificate, the sum shall not exceed two dollars (\$2) per year or any portion thereof.

(b) For each transfer of registration certificate, the sum shall not exceed one dollar (\$1).

(c) For each replacement of a bicycle license or registration certificate, the sum shall not exceed one dollar (\$1).

(d) For each bicycle license renewal, the sum shall not exceed one dollar (\$1) per year.

39005. Cities and counties having a bicycle licensing ordinance or resolution shall maintain records of each bicycle registered. Such records shall include, but not be limited to, the license number, the serial number of the bicycle, the make and type, of the bicycle, and the name and address of the licensee.

Records shall be maintained by the licensing agency during the period of validity of the license or until notification that the bicycle is no longer to be operated.

39006. (a) Each bicycle retailer and each bicycle dealer shall supply to each purchaser a preregistration form provided by the licensing agency and shall include, on the sales check or receipt given to the purchaser, a record of the following information: name of retailer, address of retailer, year and make of the bicycle, serial number of the bicycle if delivered to the purchaser in an assembled state, general description of the bicycle, name of purchaser, and address of purchaser. A copy of the preregistration form shall be filled out and forwarded by the purchaser to the appropriate licensing agency within 10 days from the date of sale.

(b) For the purposes of this division, a bicycle dealer is any person who sells, gives away, buys, or takes in trade for the purpose of resale, more than five bicycles in any one calendar year, whether or not such bicycles are owned by such person. "Bicycle dealer" also includes agents or employees of such person.

39007. After December 31, 1976, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has legibly and permanently stamped or cast on its frame a serial number, no less than one-eighth inch in size, and unique to the particular bicycle of each manufacturer. The serial number only shall be stamped or cast in the head of the frame, either side of the seat tube, the toeplate, or the bottom sprocket (crank) housing.

39008. (a) Whenever any person sells or otherwise disposes of a bicycle, he shall endorse upon the registration certificate previously issued for such bicycle a written transfer of same, setting forth the name, address, telephone number of the transferee, date of transfer, and signature of the transferrer, and shall deliver the registration certificate, so endorsed, to the licensing agency within 10 days.

(b) Any person who purchases or otherwise acquires possession of a bicycle shall, within 10 days of taking possession, apply for the transfer of license to his own name. Cities and counties may establish rules and regulations to govern and enforce the provisions of this section.

39009. (a) Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county changes his address, he shall within 10 days notify the appropriate licensing agency of the old and new address.

(b) In the event that any bicycle license indicia or registration form issued pursuant to the provisions of this division is lost, stolen, or mutilated, the licensee of such bicycle shall immediately notify the licensing agency, and, within 10 days after such notification, shall apply to the licensing agency for a duplicate license indicia or registration form. Thereupon, the licensing agency shall issue to such licensee a replacement indicia or registration form upon payment to the licensing agency of the appropriate fee.

39011. No fine imposed for any violation of an ordinance or resolution, which is adopted pursuant to this division, shall exceed ten dollars (\$10).

39012. The licensing agency shall have the right to impound and retain possession of any bicycle in violation of the provisions of this division, and may retain possession of such bicycle until the provisions of this division are complied with. In addition, a fine may be imposed for any violation of this division pursuant to Section 39011.

Attachment 2

Section included to the 1995 San Francisco Traffic Code – Article 5A

SEC. 109.1. VOLUNTARY BICYCLE REGISTRATION PROGRAM.

(a) Voluntary Registration. Not later than 60 days after the effective date of this ordinance, any person, including the owner of a business that rents bicycles, may register a bicycle in accordance with regulations prepared by the Chief of Police and approved by the Police Commission. Such regulations shall designate locations including commercial bicycle dealers and public events where bicycle registration may be conducted.

(b) Registration Records. The Chief of Police shall maintain records of bicycle registration that include the bicycle serial number, the registration number, a description of the bicycle, the name, address and telephone number of the registered owner, and such other information that the Chief concludes will deter theft, impede frequency of and facilitate recovery of a stolen bicycle.

(c) Bicycle Registration Program. When the Department takes possession of a bicycle to which the registered owner is entitled, the Department shall utilize bicycle registration records to locate the registered owner of the bicycle and notify the owner that he or she may recover the bicycle from the Department.

(d) Bicycle Safety Education. Bicycle and public safety or other relevant educational information that has been approved by the Chief of Police and the Bicycle Advisory Committee may be distributed to bicycle registrants at the time the registration is completed.

(e) Registration Confidentiality. The disclosure of personal information about a registered bicycle owner constitutes an unwarranted invasion of personal privacy. Such information shall not be disclosed except where necessary to the administration of the bicycle registration program and the detection of bicycle theft and the recovery of stolen bicycles.

(f) Report of Program. The Chief of Police shall submit a quarterly report on voluntary bicycle registration to the Board of Supervisors, the Police Commission, the Parking and Traffic Commission, and the Bicycle Advisory Committee. The report shall include the following:

- (1) The total number of bicycles registered to date, and the number of all bicycle registrations completed during the quarter;
- (2) The number of bicycles found or recovered by the Police Department during the quarter;
- (3) The number of registered bicycles found or recovered during the quarter;
- (4) The number of bicycles that have been reported stolen during the quarter; and
- (5) The number of bicycles in storage at the end of the quarter, and the number of bicycles that were disposed of during the quarter by return to owner, sale, dismantling, or any other means.

(g) Termination of Program. In the event this Article is repealed, or the bicycle registration program is otherwise suspended or terminated, the Chief of Police shall

notify all persons of such termination or suspension who have registered his or her bicycle with the previous five years. (Added by Ord. 81-95, App. 4/17/95)

SEC. 109.2. BICYCLE REGISTRATION PROGRAM—ADMINISTRATIVE FEE.

(a) Registration Fee. Upon registration of a bicycle, the Police Department shall collect a fee in the amount of \$5.00 to recover costs incurred by the Police Department in all aspects of the administration of the bicycle registration program. Such fee shall be \$5.00 and shall not exceed costs necessary to the administration of the bicycle registration program and to the promotion of safe bicycling in San Francisco. The promotion of safe bicycling in San Francisco shall include efforts by the Police Department to help bicycle owners to remember the serial numbers of their bicycles, and to encourage bicycle owners properly to lock their bicycles. The administrative costs may include, but not be limited to, supplies, computer equipment, and personnel costs. The fee shall not be subject to the reimbursement provisions of Section 10C.1 of the Administrative Code.

(b) Filing Fee. The San Francisco Police Department shall collect a fee in the amount of \$1.00 for the replacement of a bicycle registration certificate, the filing of a change of address by the registered owner, or the filing of a transfer of ownership.

(c) The fees shall be evaluated and reviewed annually pursuant to the San Francisco Administrative Code. In the event an ordinance that could repeal this Article so as to terminate or substantially diminish the protections afforded by the bicycle registration program is reintroduced before the Board of Supervisors, the Chief shall cause notice of the prepared ordinance to be mailed to all persons who have registered within the immediately preceding five years of the date of introduction of the prepared ordinance.

(d) Deposit of Revenue. The revenue received by the Police Department through the collection of the administrative fee shall be deposited with the City and County Treasurer.

(e) Administrative Regulations. Not later than 45 days after the effective date of this ordinance, the Chief of Police, upon the approval of the Police Commission and with the recommendation of the Bicycle Advisory Committee, shall establish procedures and regulations for the proper collection and administration of the fees authorized by this Article. (Added by Ord. 81-95, App. 4/17/95)

SEC. 109.3. BICYCLE REGISTRATION FUND.

(a) Establishment of Fund. There is hereby established the Bicycle Registration Fund (the "Fund") for the purpose of the deposit and the expenditure of administrative fees collected by the Police Department for the registration of bicycles pursuant to this Article.

(b) Appropriation of Funds. Subject to the budgetary, fiscal and procurement provisions of the Charter, funds shall be appropriated by the Board of Supervisors to reimburse the Police Department for the costs of departmental administration of the bicycle registration program, and for public information that is administered by the Police Department that promotes safe bicycling in San Francisco.

(c) Report of Expenditures. The Chief of Police shall submit a quarterly report to the Board of Supervisors, the Police Commission, the Parking and Traffic Commission, and the Bicycle Advisory Committee that states the expenditures from the Fund for

that quarter. The quarterly report shall state the amount of revenue deposited in the Fund, the remaining balance at the end of the quarter, and an itemization of expenditures and the purpose of each expenditure.

(d) Balance of Fund. The balance remaining in the Bicycle Registration Fund at the end of each fiscal year shall be carried forward in the Fund to the following fiscal year for the purposes provided by this Section. (Added by Ord. 81-95, App. 4/17/95)

APPENDIX

C. Traffic Court Cyclists/Motorist Citations 2009

12 Month Period - Number of Bicyclist Citations-January to December 2009					Total Citations
Descriptions	Fine	Fees	Total Fine		
California Business and Professions Code					
BP 25620a Drinking in Public	25	144	169		1
California Health and Safety Code					
HS 11364 Possession of Drug Paraphernalia (Should be misdemeanor)	n/a				1
San Francisco Municipal Police Code					
MP 21 Drinking in Public	25	144	169		1
MP 157 Crowd to disperse on Order of Police - no applicable code violation	n/a				1
California Penal Code					
PC 148a1 Resisting or obstructing an officer (Should be misdemeanor)	n/a				1
San Francisco Traffic Code					
TC 30 Proceeding wrong way down a one way street	25	113	138		2
TC 35 Illegal left hand turn	25	113	138		2
TC 35.1 No left turn allowed	25	113	138		4
TC 96 Bicycles Restricted	25	113	138		907
TC 97 Riding on the handlebars	25	113	138		2
California Vehicle Code					
CVC 31 Providing false information to peace officer	n/a				2
CVC 12815a Failure to obtain duplicate if original license lost, destroyed, or mutilated					
CVC 14600a Failure to provide change of address to police officer	25	149	174		2
CVC 16028a Failure to provide proof of financial responsibility	25	149	174		9
CVC 21113(a) Operating bicycle on school ground	n/a				1
	25	149	174		0

CVC 21200 - No applicable code violation	n/a				23
CVC 21200a - No applicable code violation	n/a				11
CVC 21200.5 Riding bicycle while under the influence of alcohol, drugs, or both (misdemeanor)	n/a				0
CVC 21201(a) Bicycle, single wheel brake required	25	149	174		23
4CVC 21201(b) Bicycle, handlebars no higher than operator's shoulders	25	149	174		18
CVC 21201(c) Bicycle: rider unable to support in an upright position with at least one foot on the ground	25	149	174		0
CVC 21201(d) Bicycle, during darkness headlight, red reflector or rear, pedal reflectors and side reflectors required	25	149	174		211
CVC 21201.5(a) Sale of unapproved, reflex reflector, or reflectorized tire	n/a				0
CVC 21201.5(b) Sale of bicycle without required reflectors on pedals and sides	n/a				0
CVC 21202(a) Bicyclist, failure to use right edge of roadway	25	149	174		4
CVC 21202d1 - No applicable code violation	n/a				1
CVC 21203 Bicyclist, hitching ride on other vehicle	25	149	174		7
CVC 21204(a) Bicyclist, riding on other than permanent seat and/or passenger riding on other than permanent seat					
CVC 21204(b) Bicyclist, permitting passenger on other than a permanent seat; minor passenger to retained in seat	25	149	174		1
CVC 21205 Bicyclist, unable to keep at least one hand free to use on handlebars	25	149	174		0
CVC 21207.5 Operation of motorized bicycles upon bikeway, equestrian hiking or recreational trail with proper authority					
CVC 21208(a) Failure to ride in a bicycle lane	25	149	174		0
CVC 21208(b) Bicyclist shall not leave bike lane until reasonably safe					
CVC 21208.2(a)(b) Failure to yield right of way entering highway	n/a				0
CVC 21209(a) Driving in bicycle lane, except as provided (cited to motorist)	n/a				0
	35	177	212		1

CVC 21210 Bicycle lying on its side on a sidewalk	n/a				1
CVC 21211(a) Standing, stopping, sitting or loitering on a Class I bikeway - cited as parking, not moving citation	n/a				0
CVC 21211(b) Placing or parking any bicycle, vehicle, or object upon a Class I bikeway which impedes the movement of a bicyclist	n/a				0
CVC 21212(a) Person under 18 operating or riding as passenger on bicycle without wearing approved helmet	25	149	174		0
CVC 21212(c) Sale of bicycle helmet not meeting applicable safety standards	n/a				0
CVC 21235c Operation of a motorized scooter or bicycle without a helmet	25	149	174		1
CVC 21250 Low speed vehicle - no applicable violation	n/a				1
CVC 21353(a)(c) Failure to stop at red light limit line	n/a				0
CVC 21450 Traffic control signals - no applicable violation	n/a				1
CVC 21451(a) Proceed at green light but yield to pedestrians/vehicles lawfully in intersection					
CVC 21453a Failure to stop at limit line at red light	25	149	174		1
CVC 21453b Failure to stop at limit line at red light before turning	25	149	174		192
CVC 21453c Failure to stop at limit line at red arrow light	25	149	174		20
CVC 21456.2 Obeying all provisions applicable to driver of a vehicle	25	149	174		6
CVC 21456.2a Failure to obey bicycle traffic control signals	n/a				1
CVC 21457a Failure to stop at a red flashing (stop signal)	n/a				4
CVC 21460a Driving to the left of double parallel solid lines	25	149	174		3
CVC 21461(a) Failure to obey traffic signal	25	149	174		1
CVC 21462 Obey official traffic signal	25	149	174		7
CVC 21650 Driving on the right side of a highway	25	149	174		1
CVC 21650.1 Bicycle on roadway or shoulder required to be operated in same direction as motor vehicles.	25	149	174		7
	25	149	174		84

CVC 21652 Unlawful entry of highway from service road	25	149	174	1
CVC 21657 Wrong way travel	25	149	174	22
CVC 21658(a) Unsafe lane change	25	149	174	0
CVC 21663 Driving on sidewalk	25	149	174	9
CVC 21703 Following too closely	25	149	174	0
CVC 21717 Motor vehicle turning across a bicycle lane (cited to motorist)	35	149	174	0
CVC 21750 Unsafe pass on left	25	149	174	3
CVC 21754 Passing on right	25	149	174	0
CVC 21755 Passing on right when unsafe	25	149	174	2
CVC 21756b Unsafe passage of transit vehicle (streetcar) at intersection	25	149	174	2
CVC 21800(a)(b)(C) Failure to yield right of way at intersection	25	149	174	0
CVC 21801(a) Failure to yield when turning left	25	149	174	1
CVC 21801(b) Yield right of way to vehicle making u-turn	25	149	174	1
CVC 21802a Failure to yield right-of-way at intersection	25	149	174	3
CVC 21804(a)(b) Yield to approaching traffic	25	149	174	0
CVC 21806a Failure to yield and move to right for emergency vehicle	100	346	446	2
CVC 21950(a) Failure to yield to pedestrian in crosswalk	25	149	174	33
CVC 21950(b) Pedestrian right of way in crosswalk	25	149	174	0
CVC 21951 Passing vehicle stopped to yield to pedestrian	25	149	174	2
CVC 21960a Proceeding on bicycle restricted freeways or expressways	25	149	174	1
CVC 21966 Pedestrian in a bicycle lane where pedestrian facility	n/a			0
CVC 22100(a) Improper position for a right turn	25	149	174	2
CVC 22100(b) Improper position for a left turn for a left turn intersection	25	149	174	1
CVC 22101(d) Failure to obey traffic signal turn at intersection	25	149	174	10
CVC 22102 Improper u-turn, not at an intersection	25	149	174	1
CVC 22106 Staring/backing when unsafe	25	149	174	0

CVC 22107 Unsafe turn and/or without signaling	25	149	174	0
CVC 22109 Unsafe stop	25	149	174	1
CVC 22110(a) Improper Position for a Right turn at intersection - cited only to motorists	n/a			0
CVC 22201 1a - No applicable code violation	n/a			1
CVC 22250v212 - No applicable code violation	n/a			1
CVC 22350 Unsafe Speed	25	149	174	1
CVC 22400a Slow speed impeding or blocking traffic on highway	25	149	174	7
CVC 22450 Failure to stop at stop sign limit line	25	149	174	33
CVC 22450a Failure to stop at stop sign limit line	25	149	174	237
CVC 22454a Passing a school bus that is stopped for unloading or loading	25	149	174	1
CVC 22500a Stopping, parking or leaving of a standing vehicle - cited as parking	n/a			1
CVC 22517 Opening car door when unsafe - cited as motorist				0
CVC 23111 Throwing or depositing of a lighted substance	100	346	446	1
CVC 23123a Operation of a cell phone without a hands free device - cited as motorist	20	122	142	1
CVC 23152(a)(b) Driving under the influence - cited to motorist as misdemeanor	n/a			0
CVC 24153a - No applicable code violation	n/a			1
CVC 24250 Lighted lighting equipment required	25	149	174	2
CVC 24250a - No applicable code violation	n/a			1
CVC 24400a Two headlamps required - cited to motorists	n/a			1
CVC 27400 Operating bicycle while wearing headset or earplugs in both ears	25	149	174	11
CVC 25250 Flashing lights prohibited	25	149	174	1
Total				1968
Total Citations Issued				204673
Percent of Citations Issued				0.96%

APPENDIX

D. Bicycle/Automobile Collisions in San Francisco Where Bicyclists Were Most Frequently Assigned Fault; Bicycle/Automobile Collisions in San Francisco Where Motorists Were Most Frequently Assigned Fault (1998-2006; Fatalities and Injuries to Motorists, Pedestrians, Bicyclists and Motorcyclists 2001-2008.

APPENDIX

D. Bicycle/Automobile Collisions in San Francisco Where Bicyclists Were Most Frequently Assigned Fault (1998-2006) (Source: SF Bicycle Plan, Chapter 5, 2009)

Rank	Description	# Collisions	# No Fault	% Motorist Fault	% Bicyclist Fault
1	Unsafe Speed	342	4	31	68
2	Failure to Stop Red Light Limit Line	281	10	31	69
3	Wrong Side of Roadway	189	5	5	95
4	Yield to Approaching Traffic	187	2	14	86
5	Failure to Stop at STOP sign Limit Line	163	4	22	78
Totals*		1,162	25	23%	77%

D. Bicycle/Automobile Collisions in San Francisco Where Motorists Were Most Frequently Assigned Fault (1998-2006) (Source: SF Bicycle Plan, Chapter 5, 2009)

Rank	Description	# Collisions	# No Fault	% Motorist Fault	% Bicyclist Fault
1	Opening Car Door when Unsafe	285	9	100	0
2	Failure to Yield when Turning Left	252	9	93	7
3	Unsafe Turn and/or Without Signaling	208	6	82	18
4	Unsafe Speed	342	4	32	68
5	Failure to Stop at Red Light Limit Line	281	10	31	69
Totals*		1,368	38	65%	35%

*Totals do not all add up in the 2 above charts as the totals represent ALL collisions, not only the top five.

D. Fatalities and Injuries to Motorists, Pedestrians, Bicyclists and Motorcyclists 2001-2008.

(Source: Statewide Integrated Traffic Records System (SWITRS))

S.F.	Auto Fatal.	Auto Injury	Pedest. Fatal.	Pedest. Injury	Bicycle Fatal.	Bicycle Injury	Motor Cycle Fatal.	Motor Cycle Injury
2008	35	3577	16	790	3	471	8	340
2007	51	3632	29	775	1	453	5	346
2006	39	3440	19	713	2	345	4	276
2005	32	3797	16	743	2	349	3	293
2004	37	3544	20	710	2	321	3	252
2003	46	4078	27	795	1	315	6	374
2002	39	4369	21	858	1	308	2	409
2001	40	6236	21	916	1	314	2	419

APPENDIX

E. Moving Violation Revenue Fiscal Years 2006 to 2010

GLOSSARY

ACS	American Community Survey
BAC	Bicycle Advisory Committee
BC	Bicycle Coalition (SFBC)
BOS	Board of Supervisors
CAC	Citizens' Advisory Council
CEQA	California Environmental Quality Act
CTA	County Transportation Authority
CVC	California Vehicle Code
DMV	Department of Motor Vehicles
DPT	Department of Parking & Traffic
EIR	Environmental Impact Review
MEA	Major Environmental Analysis
NHTSA	National Highway Traffic Safety Administration
NYT	New York Times
OCC	Office of Citizen Complaints
PCO	Parking Control Officer
Plan	San Francisco Bicycle Plan
POST	Police Office Standards and Training
SFMTA	San Francisco Municipal Transportation Agency
SFPD	San Francisco Police Department
SWITRS	Statewide Integrated Traffic Records System
TC	Traffic Code (San Francisco)
TFP	Transit First Policy
UCB	University of California, Berkeley
UCD	University of California, Davis
UCLA	University of California, Los Angeles

2009-2010 Civil Grand Jury

City and County of San Francisco

PENSION TSUNAMI
The Billion Dollar Bubble

Report Released: JUNE 2010

Purpose of the Civil Grand Jury

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Penal Code section 905, California Constitution, Article I, Section 23). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task, the grand jury is divided into committees, which are assigned to the respective departments, or areas, which are being investigated. These committees visit government facilities, meet with public officials and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00-4:30)
- in person at the Grand Jury Office, 400 McAllister Street, Room 008, San Francisco, CA 94102.
- online by completing the [application](#) at

<http://www.sfsuperiorcourt.org/Modules/ShowDocument.aspx?documentid=1988>

State Law Requirement

Pursuant to state law, reports of the Civil Grand Jury do not identify the names or identifying information about individuals who provided information to the Civil Grand Jury.

Departments and agencies identified in the report must respond to the Presiding Judge of the Superior Court within the number of days specified, with a copy sent to the Board of Supervisors. As to each finding of the Civil Grand Jury, the response must either (1) agree with the finding, or (2) disagree with it, wholly or partially, and explain why. Further, as to each recommendation made by the Civil Grand Jury, the responding party must either report (1) that the recommendation has been implemented, with a summary explanation of how it was implemented; (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation; (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of this report); or (4) that recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code, Sections 933, 933.05.)

TABLE OF CONTENTS

	PAGE
PURPOSE OF THIS REPORT	4
I. SUMMARY	4
II. INTRODUCTION	6
III. METHODOLOGY	6
IV. DISCUSSION	7
San Francisco's Pension System	7
Health Benefits	8
Pension Costs	9
<i>The Billion-Dollar Bubble</i>	
<i>Who Pays the Piper?</i>	
<i>A New Twist – The Unfunded Pension Liability</i>	
Pension Pie	13
<i>Slicing The Pension Pie: Some More Equal Than Others</i>	
<i>The \$100 K Club</i>	
Proposition H (2002)	17
<i>The Anticipated Fiscal Impact of Proposition H</i>	
<i>The Chickens Come Home to Roost</i>	
Pension Spiking	20
SFERS Board Meetings	22
<i>Absent Public Voice</i>	
Pension Reform Alternatives	23
<i>Current Employees versus New Hires</i>	
<i>What Other States Have Done</i>	
V. CONCLUSION	24
VI. FINDINGS AND RECOMMENDATIONS	25
<i>San Francisco's Pension Plan</i>	
<i>Health Benefits</i>	
<i>Pension Costs</i>	
<i>Proposition H</i>	
<i>Pension Spiking</i>	
VII. REQUEST FOR RESPONSE	29
VIII. REQUIRED RESPONSES	30
IX. TABLE OF APPENDICES	31
A. References (bibliography)	32
B. Controller's Analyst Budget (Excel spreadsheet)	38
C. The \$100 K Club	39
D. Cheiron "Projections Stress Testing Employer Contribution Rates."	40
E. Acronyms	41

The current constitutional requirement to pay unsustainable public pension obligations is a promise without a plan"

~Girard Miller

Little Hoover Commission, April 22, 2010

PURPOSE OF THIS REPORT

The purpose of this report is to alert public officials and citizens that fundamental adjustments must be made to the City's employee pension program. The San Francisco Controller has projected the pension and health care costs to increase from \$413 million for the current fiscal year to nearly \$1 billion¹ in five years. These obligations will increasingly impact the general fund and threaten to move resources from other needs of the City. Reform must be undertaken in order to find a balance between keeping the City's promise to retired workers and maintaining the critical services that make our City great.

I. SUMMARY

Over the past twelve months the San Francisco Civil Grand Jury investigated the increasing retiree Pension and Health Benefit costs that will approach \$1 billion in five years, which is about 1/3 of the City's current General Fund. Pension and health benefits enjoyed by San Francisco retirees are unsustainable.

During recent periods of economic prosperity our City officials, along with compassionate voters, created relatively generous pensions for many City employees. But with the recent economic downturn and loss of millions in the City's pension fund, these increasing costs threaten to jeopardize the City's financial future.

The Grand Jury is concerned that the public may conclude from our findings that all city workers receive excessive retirement benefits or gain from abusive pension practices. This is simply not true for the vast majority of city workers. The typical public servant who goes to work every day to serve the public will receive a modest pension after many years of service to the City. The Grand Jury and the public should be grateful for the dedication and hard work of the majority of city employees.

The 2008 economic crisis caused a decline in the City's pension fund of approximately \$3 billion or 25% of the fund balance as of June 30, 2009. While Employee contributions to the pension fund have remained constant at 7.5% of wages, the City's contribution rate has increased rapidly. The City's rate was 0% until 2004, will be 13.56% next year (FY 2010-2011), and is estimated to be 30% in five years.

Over the past years, SFERS has maintained a fully funded pension plan. That has now changed. The City's actuarial firm, Cheiron, is projecting an increasing unfunded liability over the next five years. The funded status is projected to decline from 91% next year to

¹ San Francisco Office of the Controller's "Pension and Retiree Health History and Future Scenarios, FY 2005-06 to FY2014-15."

68% in FY 2014-15. Pension experts advise plan administrators to maintain at least an 80% funding level.

The Jury compiled a list of 900 retirees receiving pension payments exceeding \$100,000, referred to in the California Pension Reform website as the “\$100 K Club.” The Jury found significant disparities in the pension benefits paid to Police, Firefighters and Miscellaneous retirees. (See Appendix C.)

Since 2002 the City has “picked up” the employees’ 7.5% contribution for members of the Service Employee International Union (SEIU) Local 1021 and other smaller collective bargaining units, consisting of 9,883 employees. The annual cost to the City has been over \$60 million. In May 2010, the City and SEIU Local 1021 entered into an agreement that employees would pay their own 7.5% contributions, and in return employees’ wages would increase by 6% effective July 1, 2010. This “swap” was described as “cost neutral” for budgetary purposes. However, the swap will have a significant financial impact on the City’s future pension obligations. The failure to consider the cost of pension obligations was a major oversight on the part of the City’s negotiation team.

Proposition H, passed by San Francisco voters in 2002, was a charter amendment that changed the formula for Police and Firefighter retirement benefits. The maximum retirement benefit for Police and Firefighters was set by charter amendment to 90% of the highest pensionable compensation. Proposition H mandated that the City and Safety employees’ representatives “meet and confer” on a “material pension cost-sharing arrangement.” The Jury found no evidence that the City and the bargaining agents for Safety employees established such a cost-sharing arrangement.

The Jury estimates the Safety employees’ contributions to be approximately \$13 million annually over the next thirteen years under a 50% cost-sharing arrangement. The Jury has recommended that the City Attorney seek a court order requiring SFERS to comply with the City Charter.

The Office of the Controller estimates that the expected increase next year in the funding of pension and health benefit costs will impact the City’s General Fund by approximately \$63 million. This shift in resources may require reductions in funding to basic services, affecting all San Franciscans, but with the greatest impact on the poor and the middle class.

Unless serious pension reform is undertaken, our children and grandchildren, who were too young to vote at the time, may be saddled with the costs of benefits of former public employees who bargained in good faith. Decisions were made based on claims by City officials, SFERS, and labor groups that it would cost nothing; these errors may now be constitutionally irreversible.

With the current legal protections in place, the City will need to focus on the employees’ contribution levels, and on redefining the system for future employees. New hires may forever have less generous benefits.

II. INTRODUCTION

The 2008-2009 Civil Grand Jury's report, "Pensions: Beyond Our Ability to Pay," was meant to be a wakeup call to the City. Instead, the required respondents rejected all but one of the findings and recommendations with a tepid response: "If there is pension spiking, it is wrong," and "The data that the Grand Jury presented could not be verified."²

The City employee contributions have remained flat while the employer's contribution rate has increased rapidly. The recent economic crisis resulted in a decline in the pension fund of approximately \$3 billion or 25% of the fund balance as of June 30, 2009³. The loss incurred to the fund during fiscal 2008-09, in spite of the actuarial five-year averaging methodology, has caused the employer's contribution rate, which was 0% in FY 2003-04, to skyrocket to 9.49% this fiscal year (2009-2010). It is estimated to increase to 30% in FY 2014-15.⁴

Defined Benefit (DB) plans have been largely abandoned by the private sector in favor of Defined Contribution (DC) or 401(k)-type plans. Other cities and other states are offering DC plans or a combination of the two. The Jury is not recommending one type over the other. California's constitution has been interpreted to protect the rights of public employees to an entitlement to receive the same benefits for their entire lifetime. There is consensus among many legal experts that it is virtually impossible to reduce retirees' benefits prospectively or to change retirement ages for current employees.

Action by the City is hamstrung on the one side by powerful public employee union influences in both the state legislature and on the pension board and, on the other, by the 2/3 majority voting requirements for taxing authority in the State's constitution.

The findings and recommendations contained herein are central to the Grand Jury's report and are presented to city agencies and departments for their response.

III. METHODOLOGY

The Jury began its investigation in October 2009. The investigation consisted of an inquiry into and an examination of the following: departmental and online database documents, local and national data, correspondence, litigation, literature, newspaper articles, letters to the editor, testimony, internet sites, the City Charter, Civil Service rules,⁵ Proposition H (2002), Proposition D (2010), memoranda of understanding (MOU), civilian complaints, SFERS employment and retirement system data, Cheiron's⁶ actuarial valuation report and stress-testing charts,⁷ and confidential interviews.

² Responses to 2008-09 SF Civil Grand Jury report on "Pensions, Beyond Our Ability to Pay."

³ San Francisco City and County Employees Retirement System audit report for June 30, 2009.

⁴ Cheiron "Projections Stress Testing Employer Contribution Rates." See Appendix D.

⁵ Rule 109 Position Classification and Related Rules and related rules. (See References) www.sfgov3.org/index.aspx

⁶ SFERS actuarial consultant

⁷ Available at SFERS (San Francisco Employee Retirement System) in San Francisco

The Jury conducted interviews with citizens, employees, government officials and Safety personnel from the following:

- Citizen complainants
- San Francisco Employee Retirement System (SFERS)
- San Francisco Department of Human Resources
- San Francisco City Attorney's Office

IV. DISCUSSION

SAN FRANCISCO'S PENSION SYSTEM

There are various pension arrangements, but most fall into one of two basic categories – Defined Benefit (DB) and Defined Contribution (DC). The Department of Labor describes these plans as follows:⁸

A defined benefit plan promises a specified monthly benefit at retirement. The plan may state this promised benefit as an exact dollar amount, such as \$100 per month at retirement. Or, more commonly, it may calculate a benefit through a plan formula that considers such factors as salary and service — for example, 1 percent of average salary for the last 5 years of employment for every year of service with an employer. The benefits in most traditional defined benefit plans are protected, within certain limitations, by federal insurance provided through the Pension Benefit Guaranty Corporation.

A defined contribution plan, on the other hand, does not promise a specific amount of benefits at retirement. In these plans, the employee or the employer (or both) contribute to the employee's individual account under the plan, sometimes at a set rate, such as 5 percent of earnings annually. These contributions generally are invested on the employee's behalf. The employee will ultimately receive the balance in their account, which is based on contributions plus or minus investment gains or losses. The value of the account will fluctuate due to the changes in the value of the investments. Examples of defined contribution plans include 401(k) plans, 403(b) plans, employee stock ownership plans, and profit-sharing plans.

The San Francisco pension plan for public employees is a Defined Benefit (DB) plan, similar to that for many or most public agencies, which use the product of salary, length of service, and a factor to provide a predictable life pension amount.

Current San Francisco pensions are based on the highest twelve consecutive months of earnings, years of service, and a factor. The factor at the time of full retirement is 3% for

⁸ <http://www.dol.gov/dol/topic/retirement/typesofplans.htm>

Safety employees (Police and Fire), and 2.3% for other (Miscellaneous) employees. For new employees hired after July 1, 2010, pensions will be based on the highest two-year average⁹ (instead of one year). Miscellaneous employees can retire at full pension at age 60; Safety personnel can retire at full pension earlier at age 55.

The maximum starting retirement benefit for Police and Fire is 90% of pensionable income, with a 75% maximum for Miscellaneous employees.

Under San Francisco's plan, most employees contribute 7.5% of salary. Safety employees hired after July 1, 2010, will contribute 9%.⁹

The City makes contributions to the plan based upon an annual actuarial valuation of the pension fund to ensure that the fund has sufficient assets to cover its benefit payouts. When times were good, the City paid zero percent (until 2004), but with recent years of economic malaise, the City must now pay 9.49%. The City and County of San Francisco has a current annual pension liability of \$287 million for FY 2009-10 (see Figure 1). A combination of too high estimates on investment returns, and too low annual employee contributions may lead to a billion-dollar pension crisis in San Francisco within five years.

HEALTH BENEFITS

All San Francisco employees hired before January 10, 2009, have a right to lifetime retiree health benefits after only five years on the job, a right vested in the City Charter. For about 60,000 employees – on-the-job or retired – the City has a debt obligation. Workers and retirees may subscribe to various health plans, for instance Blue Cross, Kaiser or others,¹⁰ with varying costs and benefits, depending on the plan and on bargaining agreements between the City and employee unions.

Employees hired after January 10, 2009 pay 2% of salary, and the City pays 1% into a new trust fund to pay for retiree health benefits.¹¹

The costs of retiree medical benefits have escalated dramatically with medical inflation over the past 25 years. Benefits that once cost employers a few hundred dollars monthly for a handful of retirees now cost more than \$10-12,000 a year for a rapidly-growing legion of Baby Boomer retirees. Granting these benefits before retirees achieve Medicare age, and to dependents and survivors, has escalated the costs even further.¹²

Unlike pensions, health benefits for most retirees are not pre-funded but are paid directly out of the City's General Fund ("pay as you go"). In 2001, the City expended \$17 million on

⁹ San Francisco Proposition D, passed by voters on June 8, 2010

¹⁰ Health Service System, City and County of San Francisco. <http://www.myhss.org/>

¹¹ S.F. Proposition D, June 8, 2010. <http://www.smartvoter.org/2008/06/03/ca/sf/meas/B/>

¹² <http://www.lhc.ca.gov/studies/activestudies/pension/MillerApr10.pdf>

retiree health care. By 2011, that amount will have grown to \$140 million and is expected to rise unabated.¹³

Mercer Consulting (an actuarial firm hired by the City) reported on June 30, 2008, that the City's unfunded liability for health benefits was \$4 billion.¹⁴ The City has set up a Health Benefit Trust Committee (Controller, Treasurer and Executive Director of SFERS) to work on funding alternatives to address this problem.

PENSION COSTS

The Billion-Dollar Bubble

The City Controller has projected the City's pension and health benefit costs to increase from approximately \$400 million for the current fiscal year to nearly \$1 billion in five years (see Figure 1). The balloon payment due in 2015 is equivalent to approximately 1/3 of the current \$3 billion General Fund.

The Controller's Budget Analyst has estimated that changes in pension and health benefits will increase each year through 2015 (see Figure 2). The Analyst has estimated that the General Fund will be negatively impacted for the increases in pension and health benefit costs by approximately \$63 million in FY 2010-11. The projected negative impact on the General Fund will remain at approximately \$60 million for each fiscal year through FY 2015.¹⁵

Who Pays the Piper?

Employee pension contributions have remained flat while the City's contribution rates have increased significantly. The SFERS actuary presented a report titled "Projections Stress Testing Contribution Rates" to the San Francisco Employee Retirement System (SFERS) board in February 2010¹⁶. The stress test scenarios were developed using different investment return options for each fiscal year during a twenty-year period. The two scenarios presented in the Controller's department of Budget and Analysis report were the "Baseline" and the "Negative 5-Year Moderate" projections. The Grand Jury reviewed both projections and found the "Negative 5-Year Moderate" projection to represent a more conservative investment return option of 4.5% over the "Baseline" assumption of 7.5% (Figure 3b). The trend over the next five years is an ever-increasing employer contribution rate, 9.49% for the current fiscal year (2010) and expected to increase to 30% by 2015 In (Figure 3a).

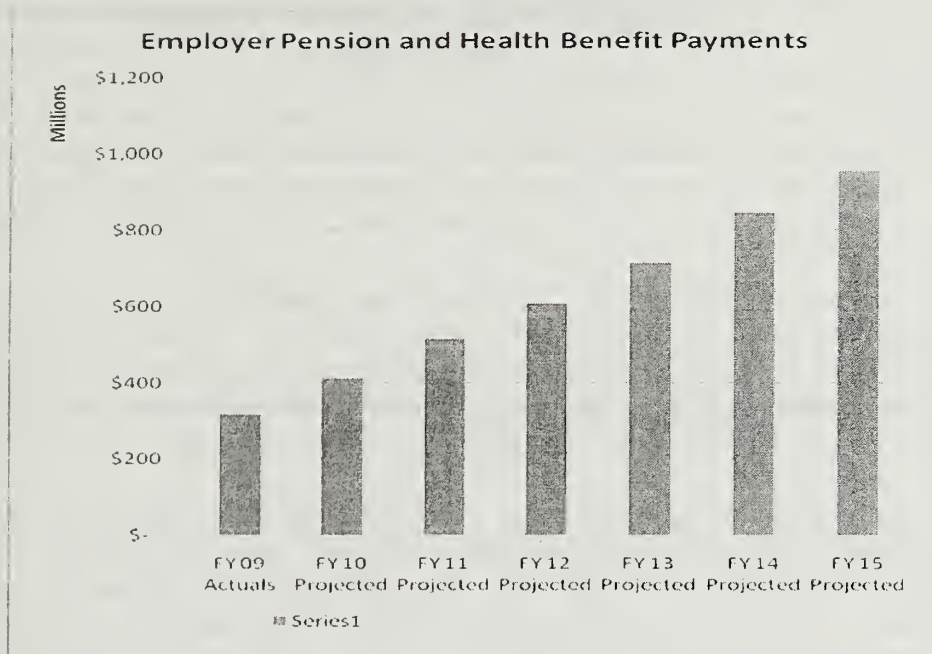
¹³ Controller Department of Budget and Analysis. See Appendix B for Controller's Analysis.

¹⁴ Mercer Consulting Health Benefit Actuarial Valuation Report, fiscal year 2007-08.

¹⁵ In the Controller's analysis, he estimates that 61% of the total pension and retiree health benefit costs are funded by the General Fund. See Appendix B for Controller's analysis

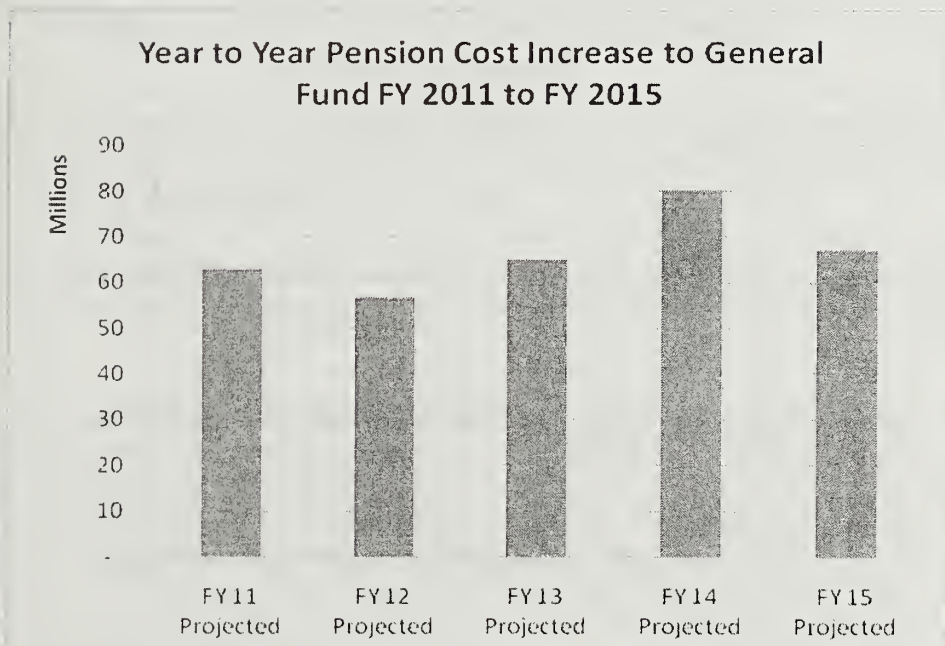
¹⁶ Controller Department of Budget and Analysis. See Appendix B for Controller's Analysis..

Figure 1



Source: Controller Department of Budget and Analysis.
See Appendix B for Controller's Analysis.

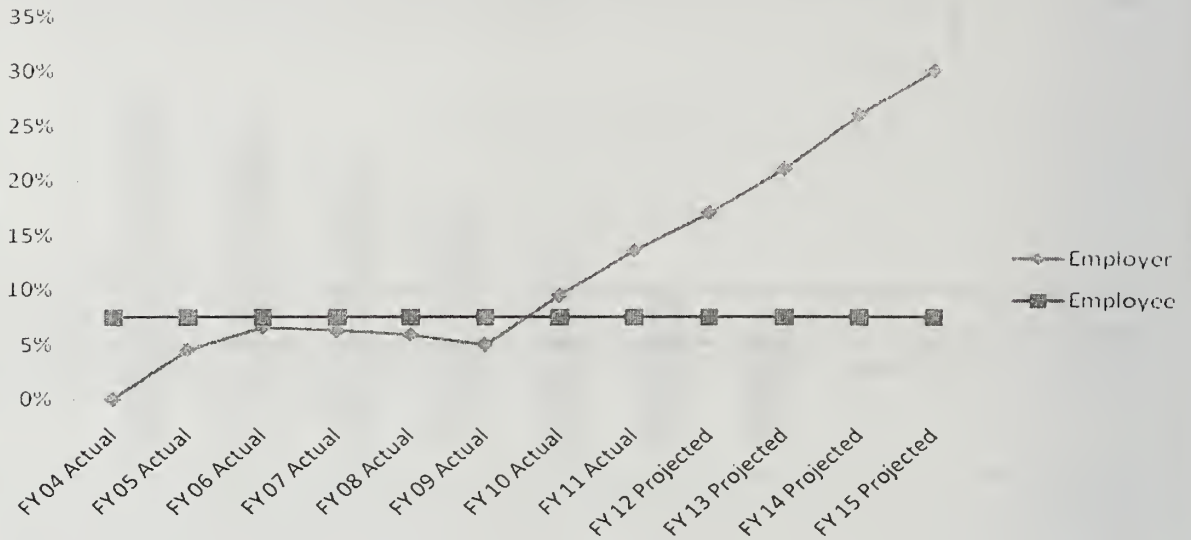
Figure 2



Source: Controller Department of Budget and Analysis.
See Appendix B for Controller's Analysis.

Figure 3a

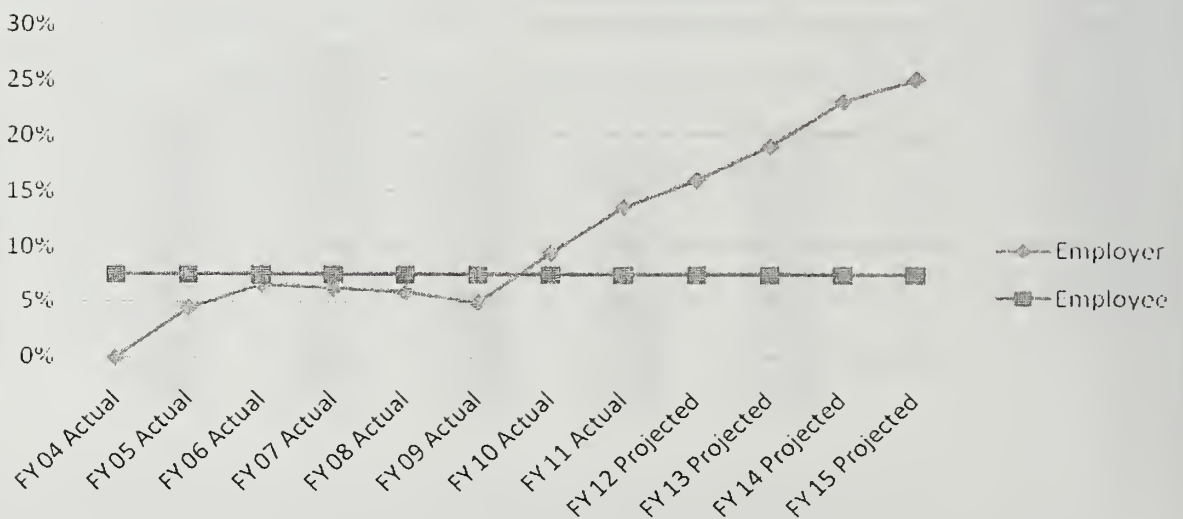
Employer and Employee Contribution Rates
(Negative 5-Year Moderate Scenario)
2004 to 2015



Source: Cheiron "Projections Stress Testing Employer Contribution Rates" Appendix D

Figure 3b

Employer and Employee Contribution Rates
(Baseline Scenario)
2004 to 2015



Source: Cheiron "Projections Stress Testing Contribution Rates," Appendix D

Over a period of many years, the City has agreed through collective bargaining to waive certain groups of employees' pension contributions and pay or "pick up" the employees' 7.5% contribution. The absence of a significant employee contribution rate has incentivized employee organizations to pursue ever-increasing retirement benefits at no real cost to employees. Both employee organizations and government officials may perceive that the true cost of increases to retirement and health benefits are hidden from the public by opaque government accounting and City budgeting procedures, and thus choose to ignore the fiscal discipline to pay today for today's costs of services.

Since 2002 the City has "picked up" the employees' 7.5% contribution for members of the Service Employee International Union (SEIU) Local 1021 and other smaller collective bargaining units, consisting of 9883 employees. The annual cost to the City has been over \$60 million. For Safety employees, whose pension cost is higher, the City pays the difference between 9.0% and the employee contribution rate of 7.5%.

In May 2010, the City and SEIU Local 1021 entered into an agreement that employees would pay their own 7.5% contributions, and, in return for this concession, the City agreed to increase the employees' base wage by 6%, effective July 1, 2010. This arrangement is referred to in the amendment to the MOU between the City and SEIU Local 1021 as a "swap." The swap, in effect, relieved the City of approximately \$60 million in payments for employees' contributions to the pension plan; however, the City had to increase pay by 6% for all the members of SEIU and other labor bargaining organizations which approximates a swap amount of \$60 million. The swap was described as "cost neutral" for budgetary purposes. However, the swap will have a significant financial impact on the City's future pension obligations.

Prior to this agreement, the 7.5% contribution paid by the City was excluded from pensionable compensation. However, the 6% increase in wages is now pensionable income. Thus, the conversion of non-pensionable to pensionable compensation will increase the retirement benefits for thousands of city workers.

The City's negotiating representatives in the Department of Human Resources (DHR) did not engage an actuary to complete an evaluation to estimate the pension liability for the 6% increase.

The 6% increase in wages would provide a comparable 6% increase in pension; therefore, an SEIU employee who would have retired with, say, a \$20,000 annual pension would realize an additional \$1,200 annual lifetime benefit. For a retiring employee with a life expectancy of 29.6 years (from IRS longevity tables), and assuming an interest rate of 7.75%,¹⁷ then the present value of this benefit would be \$13,784.¹⁸

¹⁷ 7.75% is the interest rate assumed by Cheiron in actuarial valuation.

¹⁸ See online calculator to compute Present Value

http://www.engineeringtoolbox.com/discrete-payments-compounding-formulas-d_1234.html

The Grand Jury has estimated that the “swap” arrangement between the City and SEIU Local 1021, and other unions representing city workers, will result in approximately \$136 million in unfunded pension obligations. The City will be required to fund this future pension obligation, unless a fair cost-sharing arrangement between the City and labor unions can be implemented.

A New Twist – The Unfunded Pension Liability

SFERS had maintained a strong and improving funding ratio from 1999 to 2008. In 1999 the funding ratio was 103% and the surplus status continued through 2008.

In FY 2008-09, the funded status declined to a ratio of 97% due primarily to a net loss of approximately \$3.5 billion, which represented a 22%¹⁹ decline in plan net assets. In order to mitigate the impact of the investment performance volatility on the City’s contribution rate, Cheiron’s actuaries utilize a 5-year “smoothing” technique. Without the impact of smoothing, the market value of the pension fund assets to liabilities would have declined from 103% to about 72%. A further decline in the funded status is expected over the next twenty years, according to Cheiron’s actuaries²⁰.

The Cheiron “Negative 5-Year Moderate” projection shows an increasing unfunded liability²¹ over the next five years. The funded status is projected to decline from 91% in the next fiscal year to 68% in FY 2014-15. Experts advise at least an 80% funding level.²²

If current practices do not change, the unfunded pension liability will present a financial burden for The City, and ultimately the taxpayer.

¹⁹ The City and County of San Francisco Audit Report for SFERS of June 30, 2009.

²⁰ See Appendix D. Cheiron's "Projections Stress Testing Employer Contribution Rates."

²¹ Note: The unfunded liability is the accrued liability for past services which were not funded by prior contributions and investments.

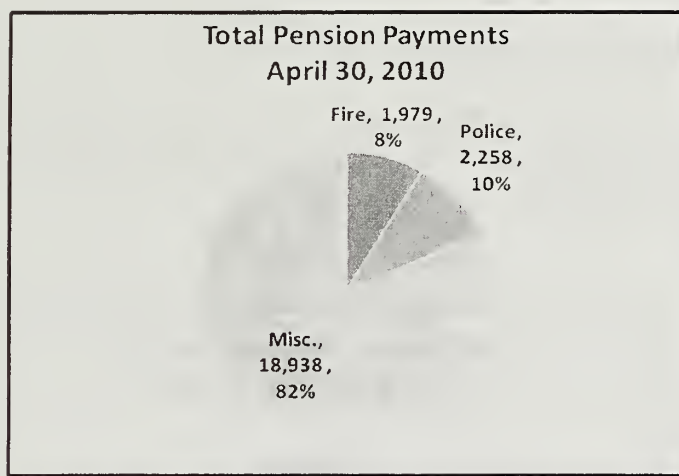
²² See Pew report on Unfunded Pension liability.

PENSION PIE

The Grand Jury obtained the SFERS April 30, 2010, payroll data for all retirees receiving an annual pension of \$75,000 or more. The total payroll consisted of 23,175 retirees.

Figure 5 shows the total population by retiree group.

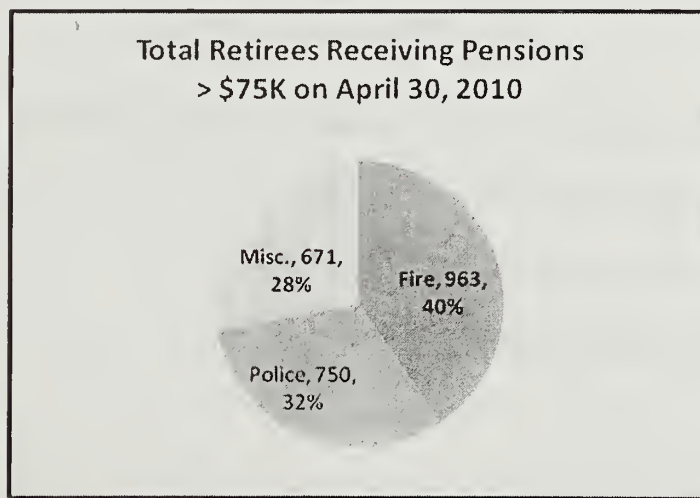
Figure 5



Source: SFERS April 30, 2010 Payroll.

Figure 6 shows a population of 2,384 retirees who receive a pension greater than \$75,000. The distribution in the chart shows the number of retirees by group and the group total as a percent of the total population.

Figure 6



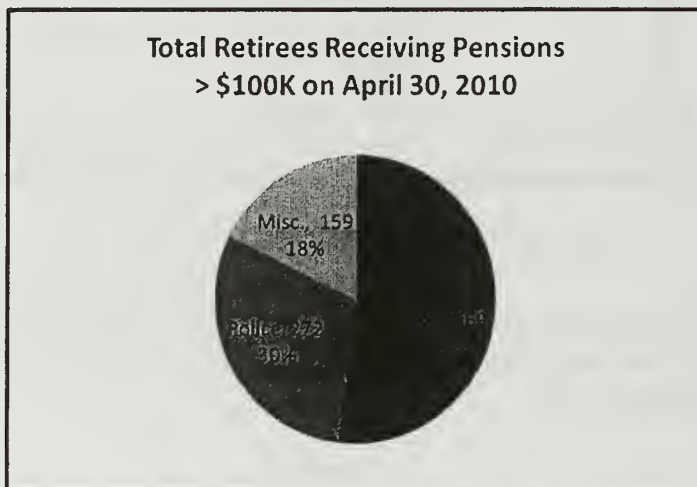
Source: SFERS April 30, 2010 Payroll.

Retirees within each group that receive pensions greater than \$75,000:

- Of the 1,979 retired firefighters, 963 or 49%.
- Of the 2,258 retired police officers, 750 or 33%.
- Of the 18,938 retired miscellaneous, only 671 or 4%.

Figure 7 shows a population of 900 retirees who receive a pension greater than \$100,000. The distribution in the chart shows the number of retirees by group and the group total as a percent of the total population.

Figure 7



Source: SFERS April 30, 2010 Payroll.

Retirees within each group that receive pensions greater than \$100,000:

- Of the 1,979 retired firefighters, 469 or 24%.
- Of the 2,258 retired police officers, 272 or 12%.
- Of the 18,938 miscellaneous retirees, only 159 or 1%.

Table 1**AVERAGE STATISTICS FOR SAFETY AND MISCELLANEOUS RETIREES**

Source: Cheiron Actuarial Valuation dated July 1, 2009.

	Average Age At Retirement Or Disability	Average Current Age	Average Annual Pension
Old Police ²³	51	73	\$64,557
New Police	51	58	56,520
Total Police	51	69	62,701
Old Fire	54	73	72,684
New Fire	52	58	71,853
Total Fire	54	70	72,505
Old Misc.	59	75	30,934
New Misc.	58	65	21,065
Total Misc.	58	70	\$26,073

Table 1²⁴ shows, for all retirees, the average age of retirement, the average current age, and average annual pension. Employees hired prior to 1976 fall under the Old Plan, when overtime was included in pensionable income. Those hired after 1976 belong to the New Plan when overtime was not included. The number of Old Plan members is declining every year as older members retire.

²³ "Old" indicates employees hired before November, 1976, before which time Overtime was included in pensionable compensation. "New" indicates employees hired after November, 1976.

²⁴ Cheiron Actuarial Valuation dated July 1, 2009.

Slicing the Pension Pie: Some More Equal Than Others

The distribution of annual pension benefits of \$75K or more among the three retirement groups shows a significant disparity between Safety (Police and Fire) and Miscellaneous employees. This difference would be expected based in part on the increasing retirement benefits that have been awarded to Safety employees by voters over many years. In particular, the practice of paying Safety retirees retroactive benefit increases has created a form of deferred compensation for this select group that will continue to grow over their lifetime. In addition, the 2008-09 Civil Grand Jury issued a report²⁵ on abusive pension practices among Safety employees and found many incidences of pension spiking, accomplished by accumulating excessive pensionable compensation in the final year of work.

The disparity in pension benefit payments between retired police officers and firefighters cannot be attributed solely to pay differences, since the city attempts to maintain wage parity for Safety employees. The Grand Jury investigated Safety employees' pension benefits for FY 2008-09 and the ten months ended April 30, 2010. The practice of pension spiking appears at a much higher rate among firefighters than among police officers. This is discussed further in the section Pension Spiking.

The \$100k Club

Nine hundred retirees receive pension benefits of over \$100,000. Safety retiree positions represent 82% of the Club and Miscellaneous only 18%.

A list of all retiree positions receiving a pension of \$100K or more can be found in Appendix C and at the California Pension Reform website.²⁶

PROPOSITION H – POLICE & FIREFIGHTER RETIREMENT PLAN

Proposition H, passed by San Francisco voters in 2002, was a charter amendment that changed the formula for Police and Firefighter retirement benefits. For those who retired at age 50, the Charter Amendment provided a service credit of 2.4% of salary for each year of service²⁷. For those retiring at age 55, the service credit for entire career became 3% of salary. The maximum retirement benefit for Police and Firefighters was 90% of their highest pensionable compensation in a twelve-month period. The charter amendment as it appeared in the November, 2002 voters pamphlet follows:

²⁵ See 2008-09 SF Civil Grand Jury report on "Pensions, Beyond Our Ability to Pay."

²⁶ California Pension Reform. <http://www.californiapensionreform.com/>

²⁷ Pensionable income times 2.4% times years of service

Section A8.595-11 (e) SOURCES OF FUNDS:

Any year in which, based upon the retirement system's annual actuarial valuation, the employer contribution rate exceeds 0%, the employee organizations representing safety members shall jointly meet and confer with city representative to implement a cost sharing arrangement between the city and employee organizations. Such arrangement will effect a material reduction of the cost impact of employer contributions on the city's general fund.

The dollar value of the cost sharing arrangement shall not exceed the total annual cost to the retirement system of improving the police and fire safety retirement plans to the 3% @ 55 benefit level or the total employer contribution required by the retirement system, whichever is lesser. Such cost sharing arrangement shall not require an employee contribution in excess of the limits set elsewhere in this charter.

The meet and confer process, including all impasse procedures under section A8.590-1 et seq., shall be concluded not later than April 1st except by mutual agreement of the parties. The cost sharing arrangement must be finalized to permit implementation effective July 1.

The retirement board's authority under charter section 12.100 and in section A8.510 concerning the annual setting of the rates of contribution are not subject to the meet and confer process, including all impasse procedures under section A8.590-1 et seq.

The following excerpts were selected from the voter's pamphlet:

A paid argument in favor of Proposition H, the Commissioners of the San Francisco Retirement System Board wrote:

The current surplus in the retirement fund is more than enough to pay for this vitally needed upgrade of pensions for police officers, firefighters, and paramedics. As an added protection, Proposition H requires that public Safety employees enter into negotiations to pay for pension upgrades in the unlikely event that the surplus is no longer sufficient. This is an important new precedent in fiscal responsibility and we urge the entire City to support it.

The voter pamphlet did not include one opponent argument to Proposition H.

The Anticipated Fiscal Impact of Prop H

In the November, 2002, Voters Pamphlet, the former City Controller issued the following statement on the fiscal impact of Proposition H:

Should the proposed amendment be adopted, in my opinion, the cost to the City and County would increase, as estimated by the Retirement System Actuary, by about \$28 million per year for the next 20 years, dropping after 20 years to an ongoing cost of approximately \$8.2 million per year.

However, no cash would be required since the City's Retirement System currently has a large surplus. While the cost of this proposal would reduce that surplus, the City nonetheless should not be required to make employer contributions to the Retirement System for at least the next ten years. The Amendment also provides that if the City is required to make employer contributions to the Retirement System, the City will negotiate a cost-sharing agreement with the police officers and firefighters to cover all or part of the cost of providing the additional retirement benefits through employee contributions.

The proponents of Proposition H included many prominent civic and political leaders in San Francisco and California. The proposition was passed by the voters in the November, 2002 election.

The Chickens Come Home to Roost

When Proposition H was passed in November 2002, the employer's contribution to the Police and Firefighters' pension plan was zero.²⁸ In the Cheiron actuarial valuation report, the unfunded pension liability as of July 1, 2009, for Prop H was approximately \$276 million²⁹, to be amortized over a period of thirteen years. The annual amortization of the unfunded pension liability for the next thirteen years will be approximately \$26 million. The City and Safety employees should establish an arrangement to share the annual cost.

The estimated amount of the employer's contribution in fiscal 2010-11 will be approximately \$39 million. The City Controller has projected that the employer's contribution for fiscal 2014-15 will increase to approximately \$123 million.

Proposition H mandated (and still mandates) two critical actions on the part of the employer (the City) and employee (Safety personnel) for each fiscal year. The first action is to determine if the City's contribution rate exceeds 0%. If the City's contribution rate does exceed 0%, the City and the labor unions representing Safety employees are required to "meet and confer" for the purpose of implementing a "cost-sharing arrangement." The Charter Amendment (Proposition H), subsection A8.595.11 (e), stipulates that "such arrangement will effect a material reduction of the cost impact of employer's contributions on the City's general fund."

²⁸ Note: The City was paying the Police and Firefighters' employee contributions (7.5%) through fiscal 2002-03. Since fiscal 2003-04, Firefighters and Police have been responsible for paying the employee contribution themselves.

²⁹ Cheiron 7/1/2009 Actuarial Valuation Report, page 20.

The City's contribution rate has exceeded 0% for fiscal 2004-05 to the current fiscal year. The actual and projected City contributions to Police and Firefighter pensions for the same period are summarized in Table 2 below.

The Grand Jury interviewed officials in the City's Department of Human Resources, the City Attorney's Office and the San Francisco Employees Retirement System and examined the Safety employee's Memoranda of Understanding (MOU) to determine if the provisions of the Charter Amendment subsection A8.595.11 (e) were complied with. In the course of our investigation, some City officials asserted that certain concessions were made by Safety personnel during the negotiations for amendments to the MOU. The Grand Jury found no concessions that resulted in a "material reduction" of the cost impact on the City's contribution rates.

In conclusion, there appears to be no evidence that the City and Safety employees' representatives met to confer on a material pension cost-sharing arrangement as mandated by the Charter Amendment. Furthermore, the City may be in violation of the law by not enforcing the City Charter Amendment that was passed by the voters in November 2002. The Grand Jury estimated that the cost to Safety employees under a 50% cost-sharing arrangement for FY 2004-05 through FY 2008-09 would have been approximately \$52 million (see Table 2). The Grand Jury has found no evidence that Safety employees have made any such contributions. The City's projected contribution rate to the pension plan will increase significantly over the next five years.

Table 2

Employer (City and County of San Francisco) Contributions (\$ in millions)

Member Plan	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	Total
Firefighter Plan		\$6	\$10	\$10	\$9	\$9	44
Police Plan		8	13	13	13	13	60
Total		14	23	23	22	22	104
50% cost share		\$7	\$12	\$12	\$11	\$11	52

Source: SFERS Annual Report for Fiscal Year Ended June 30, 2008

PENSION SPIKING

Pension Spiking is an end-of-career promotion or an excessive raise to increase or "spike" workers' final pensionable income during the last year of employment. During the final year of employment, a worker is often elevated to a higher position and the employer is required to pay higher compensation under the principle of "like work, like pay."

The amount of a retiree's pension is often based upon the final year's compensation. Therefore, it has been possible for some soon-to-be retired employees to increase their final

pensionable income for the purpose of inflating their retirement benefits. For San Francisco employees hired before November 1976 (Old Plan members), overtime pay is included in the final year's pensionable income, but for New Plan member (hired after November, 1976) overtime pay is not included. The Jury found instances of nursing supervisors being allowed to have two concurrent jobs and earn pensions on both, sometimes referred to as pension-pyramiding.

Certain pay enhancements have been determined to be included or not included in final pensionable pay by City Charter and Memoranda of Understanding (MOUs)³⁰ negotiated between the City and the unions. In addition, a 2006 lawsuit³¹ involving Safety employees and the San Francisco Employees Retirement Board clarified some issues. From the MOUs and the 2006 litigation, the following elements are either included or excluded from pensionable earnings:

<i><u>Included</u></i>	<i><u>Not included</u></i>
Canine pay	Holiday pay
Training pay	On Call Premiums
Motorcycle pay	Night Shift Differential pay
Retention pay	Bilingual pay
Paramedic License pay	Hazardous Materials pay
Paramedic Clinical Assignment pay	Emergency Medical Technician pay
Terrorism Response Training pay	Apparatus Operator pay
Experienced Officer Incentive pay	Unused sick and vacation pay
Field Training pay	
Bomb Squad/SWAT Team pay	

Any serious pension reform measure must address the problem of pension spiking.

The following example is used to illustrate the cost of pension spiking:

For a Safety employee with 25 years of service, an increase in pensionable income of, say, \$10,000 will have the effect of increasing the pension by \$7,500 annually for life ($\$10,000 \times 25 \times 3$). For a 55-year-old retiree with a life expectancy of 29.6 years (from IRS longevity tables), and assuming an interest rate of 7.75%, then the present value of this benefit is \$86,152.³²

San Francisco's 2008-2009 Grand Jury report found that the "practice of pension spiking may be institutionalized and ongoing within San Francisco's Safety employees, especially the Fire Department. Approximately 25% of Safety personnel that retired in the last ten years received an increase of 10% or greater in their last year prior to retirement. For just the

³⁰ See MOU's for Police and Fire in <http://www.sfdhr.org/index.aspx?page=54>

³¹ See *Les Adams, et al. v. Retirement Board of the City and County of San Francisco, et al.* Case 3 301634 Filed in Superior Court on March 9, 2006

³² See online calculator to compute Present Value http://www.engineeringtoolbox.com/discrete-payments-compounding-formulas-d_1234.html

ten-year period of 1998 to 2008, the Jury estimates that spiking will cost active members of SFERS and the City at least \$132 million.”³³

The current Grand Jury examined the Safety retirees for the fiscal year 2008-09 and the ten months ended April 30, 2010. The total number of retirees during this period was 134 and 107 for Police and Fire, respectively.

A 10% or greater increase in a retiree’s hourly pensionable rate over the hourly wage rate in any given year was used to identify possible pension spiking. The Jury found few instances of pension spiking among Police retirees for the period. However, seventy one Firefighter retirees received a 10% or more increase in pension income in their final year before retirement. This represented approximately 68% of the total number of Firefighters who retired during the period.³⁴

The current Jury examined the Miscellaneous (non-Safety employees) retirement records of 6615 retirees. The incidence of apparent pension spiking was:

- 371 or 8% of the 4559 New Plan retirees;
- 639 or 31% of the 2056 Old Plan retirees.

The difference may reflect the legacy of overtime pay being included in pensionable compensation for Old Plan retirees.

SFERS BOARD MEETINGS

Absent Public Voice

The Jury attended nine of the SFERS board meetings. The board typically “meets once a month to review and approve important elements of Retirement System business.”³⁵ The Retirement Board is composed of seven members: three elected by active members of the bargaining units (Police, Fire and Miscellaneous); three appointed by the Mayor in accordance with §12.100 of the San Francisco City Charter; and one by the President of the Board of Supervisors.³⁶

In attending the monthly Board meetings, the Jury noticed the lack of attendance of certain members of the board. One of three commissioners representing the public has not been appointed by the Mayor for at least six months. Another resigned May 17, 2010. The attendance of one of the remaining two public commissioners was spotty, about half of the

³³ See the 2009 SF Civil Grand Jury Report: “Pensions: Beyond Our Ability to Pay”

³⁴ The Grand Jury spreadsheet analysis of pension spiking is based on SFERS data on Firefighter retirees.

³⁵ SFERS Annual Report for Fiscal Year Ended June 30, 2008: “The Retirement Board ... oversees Plan administration, pension fund investment, member benefits, and actuarial funding. Within the scope of their duties, the Board establishes policies governing the administration, management, and operation of the retirement plans; manages the investment of the Retirement System’s assets; reviews and approves benefit determinations; and approves actuarial and economic assumptions used to meet long-term benefit promises of the SFERS Pension Plan.”

³⁶ SFERS Annual Report for Fiscal Year Ended June 30, 2008

Attendance by SFERS Board Members

<i>15 meetings July 14, 2009 through June 8, 2010</i>	ATTENDANCE
ELECTED BY THE MEMBERSHIP UNIONS	
Casciato (Police)	80%
Driscoll (Fire)	87%
Meiberger (Miscellaneous), retired	93%
PUBLIC MEMBERS APPOINTED BY THE MAYOR	
Peterson (resignation effective 5/17/2010)	93%
Wright	53%
Kim (resignation effective Sept. 16, 2009)	80%
BOARD OF SUPERVISORS	
Elsbernd, Ex-officio member	100%

Source: SFERS minutes <http://www.sfers.org/index.aspx?page=57>

meetings. Attendance is particularly important for the public members of the Board because they represent the voice of the people. With two of the three public commissioner positions vacant and the second public commissioner present about half of the time, the people are not being heard.

PENSION REFORM ALTERNATIVES

Current Employees versus New Hires

States have begun to make a number of changes – primarily for new hires – as it is difficult for most states, as in California, to change pensions for current employees or retirees. Most have a state constitution contract clause that mirrors the Federal language. For example, Article I, section 9 of the California constitution provides, in part, “A...law impairing the obligation of contracts may not be passed.”

While the very-much-needed and justifiable formula reductions and increases in the retirement age for new employees would be a good start, it would do next to nothing to address the dire financial condition San Francisco faces in the next few years with its rising pension costs and unfunded liabilities, as opposed to twenty to thirty years into the future when the savings from changes applicable only to new employees will materialize (such as San Francisco’s recently-passed Proposition D which uses for pensionable income a two-year average instead of one year, and increases from 7.5% to 9% the Safety employees’ contribution to the pension fund).

In fact, as Girard Miller³⁷, Pension Consultant and Commentator, emphasized in his April 22, 2010, address to the California State Legislature,³⁸ there is evidently no other way to assure sustainable finances for retirement plans without amending the State's constitution to restore the right of the people's elected representatives to change future benefits for incumbent employees if they have become unaffordable or to allow local voters to approve taxes to fulfill these obligations.

What Other States Are Doing

Some states are doing a far better job than others of managing this bill coming due. In 2000, slightly more than half the states had fully funded pension systems. By 2006, that number had shrunk to six states. By 2008, only four—Florida, New York, Washington and Wisconsin—could make that claim.

Many states have made recent changes in their pension systems, as reported by The Pew Center on the States 2010.³⁹ Illinois has passed a landmark law which requires new employees to wait until age 67 (previously 62) to receive full retirement benefits, and puts a ceiling on pensionable income equal to the Social Security earnings cap (now \$106,800) to curb pension spiking and pension-pyramiding (collecting pensions from simultaneous government jobs).⁴⁰ It sets a new standard for public pension plans that San Francisco should seriously consider.

Some states now have either DC or hybrid plans, including Alaska, Georgia, New Jersey, Oregon and Utah. Alaska, Georgia, and Oregon fundamentally restructured their retirement provisions, replacing traditional DB plans with alternatives. Alaska created new plans for teachers and public employees. Georgia and Oregon enacted hybrid programs that combined traditional DBs with DC plans. New Jersey has curbed pension-pyramiding by requiring that pensions be collected from only one job in their statewide system. Utah will replace its present DB plans (for future enrollment) as of July 2011, to be replaced by a system which will give future employees a choice between a DC plan and a combination of DB and DC plans.

V. CONCLUSION

This report is a warning of a deepening crisis in the City's financial condition. The urgency of the problem requires that the Mayor, the Board of Supervisors, City employees and citizens work together to address and resolve this problem. We cannot wait.

³⁷ Girard Miller is the Public Money columnist for GOVERNING, and also a senior strategist for the PFM Group.

³⁸ http://www.lhc.ca.gov/studies/activestudies/pension/Public_Notice_04-22-10%20-%20revised.pdf

³⁹ http://www.ncpers.org/Files/pew_final_embargoed.pdf

⁴⁰ <http://www.governing.com/authors/Girard-Miller.html>

VI. FINDINGS & RECOMMENDATIONS

Findings	Recommendations
A. <i>San Francisco Pension Plan</i>	
A1. San Francisco's Defined Benefit Plan retirement benefits are financially unsustainable without significant cutbacks in jobs and city services.	A1. The San Francisco City Charter should be amended, as follows: For new employees, the pension multiplier should be set at a level to provide fiscally sound future pensions – fair to employees and taxpayers alike. For new Miscellaneous employees, the retirement age to receive full benefits should be comparable to that of Social Security and/or private sector recipients, and be fair to employees and taxpayers alike. The Jury recommends that City officials consider a hybrid retirement plan with components of both Defined Benefit and Defined Contribution, 401(k)-type, in the next negotiated contract in 2012. No cost-of-living or other increase should be awarded to retirees unless the pension fund is found through a multi-year analysis to be actuarially sound and fully funded. SFERS and actuaries for the City should research other public and private sector data to determine fair pension benefits and the results should be reported at SFERS board meetings and to the Board of Supervisors to lead to a sustainable plan.
A2. For current employees and retirees, pension benefits are guaranteed by City Charter and protected by Federal and State constitutional provisions prohibiting impairment of contract.	

Findings	Recommendations
B. <i>Pension Costs</i>	
B1. The City's pension and health benefit costs are expected to increase from approximately \$400 million for the current fiscal year to nearly \$1 billion in five years, a billion-dollar bubble that the City cannot realistically afford. Current pension rules are producing an ever-increasing employer contribution rate, from 0% in 2004, to 9.49% in 2010 and to 30% by 2015. This will impact the General Fund, and could make it very difficult for the City to sustain funding for police and fire, public health, human services, cultural and artistic programs. It will disproportionately affect the poor and the needy, and tax the middle class.	B1. The Mayor and the Board of Supervisors should prepare a plan within the next year to fund the projected \$1 billion in pension costs.
B2. The Department of Human Resources and SEIU Local 1021 entered into an agreement that Miscellaneous employees would pay their own 7.5% contribution, and, in return, the base wages were increased by 6%, effective July 1, 2010. There was no actuarial valuation to estimate the resulting pension liability for the City. This agreement resulted in a substantial increase in pension obligations for the City without voter approval.	B2. The Department of Human Resources (DHR) should not enter into agreements with the employee unions which increase the City's future pension obligations without voter approval. DHR should engage the City's professional Actuary to investigate any increase in pensionable compensation.
B3. 2,384 retirees receive pensions greater than \$75,000.	B3. DHR should compare the retirement benefits in other California cities to determine whether the pension benefits are excessive. The results should be reported to the Mayor and Board of Supervisors.

Findings	Recommendations
C. <i>Proposition H: Police & Firefighter Retirement Plan</i>	
C1. Proposition H, passed by voters in 2002, requires that if the City's contribution rate to the pension fund exceeds 0%, then the City and the Safety employee unions must "meet and confer" to implement a "cost-sharing" arrangement to reduce the cost impact of the employer's contributions on the City's General Fund. The City's contribution rate <u>has</u> exceeded 0% for fiscal 2004-05 to the present. The City and County of San Francisco is not in compliance with the requirements of the City Charter resulting from the passage of Proposition H. There have been no "meet and confer" sessions to establish a "cost-sharing" arrangement. The City Attorney has not mandated that the SFERS Board comply with these requirements of the Charter Amendment resulting from Proposition H.	C1. The City Attorney should initiate legal action against the SFERS Board to enforce the requirements of the Charter amendment to "meet and confer" and "cost-sharing" provisions of Proposition H, as stipulated in Charter § A8.595-11 (e). The Jury recommends that the City Attorney and /or his representatives present to the Board of Supervisors and SFERS Board the following documents regarding § A8.595-11 (e) of the City Charter: 1. A legal opinion on the charter section. 2. Documentation regarding the dates and times that the City and the Police and Firefighters unions met to confer and to implement a cost-sharing arrangement as required in the section. 3. A legal opinion regarding fiduciary duties of the SFERS Board to comply with it. 4. A legal opinion regarding SFERS duty to revise the Safety employee contribution rate to comply with the Charter section. 5. A legal opinion regarding possible remedies to enforce compliance.
C2. The unfunded pension liability for Proposition H as of July 1, 2009, was approximately \$276 million ⁴¹ , amortized over thirteen years to about \$26 million annually.	C2. The City and Safety employees should establish an arrangement to share the annual \$26 million cost as required by the City Charter

⁴¹ Cheiron 7/1/2009 Actuarial Valuation Report, page 20.

Findings	Recommendations
<i>D. Pension Spiking</i> D1. The soon-to-be retired have been able to increase final pensionable compensation to inflate retirement benefits. The Jury found instances of nursing supervisors being allowed to have two concurrent jobs and earn pensions on both, sometimes referred to as pension-pyramiding.	D1. San Francisco should take steps to curb abuses from pension spiking by limiting the final pensionable income an employee can claim at retirement and from pension-pyramiding. The Jury suggests the following: • Use a three-year average to determine pensionable income, similar to Federal rules. • Limit final pensionable compensation to 120% of the rank pay rate as determined by Civil Service job classification. • The Controller should perform an independent review of pensions to determine whether the practice of pension spiking is ongoing. • Disallow employees from drawing pensions from two simultaneous City jobs. • Pensionable compensation should not include pay for two separate pay types, known as pension-pyramiding.

<i>E. Health Benefits</i>	
E1. For current employees and retirees, health benefits are “vested” after 10 years. Unlike pensions, health benefits for most City workers are not pre-funded, but are paid directly out of the City’s General Fund. In 2001, the City expended \$17 million on retiree health care. By 2007, that amount had grown to \$130 million and continues to rise. Mercer Consulting reported on June 30, 2008, that the City’s unfunded liability for retiree health benefits was \$4 billion.	E1. Department of Human Resources and collective bargaining units should meet and confer to determine a cost-sharing arrangement to pre-fund the \$4 billion unfunded liability for retiree health care obligations.

Findings	Recommendations
F. SFERS Board Meetings	
F1. There are seven SFERS board members: three are elected by the members; three are appointed by the Mayor; and the seventh Commissioner comes from the ranks of the Board of Supervisors. One of the three public members has not been appointed for at least six months.	F1. The Mayor needs to appoint two Commissioners to represent the public's interest.
F2. Minutes of the SFERS board meetings record attendance of the board members. When the members representing the public are absent, the interest of the public is eroded.	F2. It is important for the public Commissioners appointed by the Mayor to attend the Board meetings. They should attend regular monthly Board meetings or resign.

VII. REQUEST FOR RESPONSE

Responses to the findings and recommendations in this report are required by the Board of Supervisors and city offices and departments in accordance with the following list and state law.¹⁰ Responses are to be in writing and addresses to the Honorable James McBride, Presiding Judge, Superior Court of California, City and County of San Francisco, San Francisco Civil Center Courthouse, 400 McAllister Street, San Francisco, California, 94102.

<i>Board of Supervisors:</i>	<i>90 days</i>
<i>Office of the Mayor:</i>	<i>60 days</i>
<i>Office of the City Attorney:</i>	<i>60 days</i>
<i>Office of the Controller:</i>	<i>60 days</i>
<i>San Francisco Fire Department</i>	<i>60 days</i>
<i>Office of Human Resources;</i>	<i>60 days</i>
<i>San Francisco Retirement Board:</i>	<i>60 days</i>

VIII. REQUIRED RESPONSES

	REQUIRED RESPONSES TO FINDINGS					
RESPONDENT	A SF Pension Plan	B Pension Costs	C Prop H (Police & Fire)	D Pension Spiking	E Health Benefits	F SFERS Board Meetings
<i>Response 90 Days</i>						
BOS	X	X	X	X	X	X
<i>Response 60 Days</i>						
Mayor	X	X	X	X	X	X
City Attorney			X			
Controller		X	X		X	
Human Resources			X		X	
SFERS		X		X	X	
SFERS Board			X	X		X
SFFD				X		

	REQUIRED RESPONSES TO RECOMMENDATIONS									
RESPONDENT	S.F. Pension Plan	Pension Costs			Prop H		Pension Spike	Health	SFERS Board Meetings	
	A1	B1	B2	B3	C1	C2	D1	E1	F1	F2
BOS	X	X	X	X	X	X	X	X		
Mayor	X	X	X	X	X	X	X	X	X	X
City Attorney					X	X		X		
Controller		X	X				X	X		
Human Resources			X	X	X	X	X	X		
SFERS			X							
SFERS Board					X	X				X
SFFD							X			

APPENDIX A

References

- Adachi, Jeff. "Will You Help Save Our City? Sustainable City Employees' Benefits Reform Measure Slated for November Ballot." *Westside Observer* May 2010.
- Adachi, Jeff. "Time for Real Budget Reform." *San Francisco Chronicle* Nov 25, 2009.
- Adams, Les et al v. Retirement Board of the City and County of San Francisco, et al. Case 3 301634 Filed in Superior Court on March 9, 2006.
- Broderick, Pat. "Pension Woes Spur Lawsuits." *Daily Journal* Government section, May 20, 2010.
- Budget Analyst - Archive Reports. <http://www.sfbos.org/index.aspx?page=3704>
- Cagle, Daryl, cartoonist, msnbc.com. "California Budget Suicide." *Fog City Journal* March 2010. http://www.fogCityjournal.com/wordpress/wp-content/plugins/2010/05/california_republic.jpeg
- CalPERS, California Pension Reform's "The CalPERS 100K Club – 9,111 Retired California Government Workers Receive Pensions in Excess of \$100,000 from CalPERS. They're all listed here." Last updated Apr 8, 2010. <http://californiapensionreform.com/database.asp?vttable=calpers> (accessed April 24, 2010).
- Cheiron Consulting, "City and County of San Francisco Employees' Retirement System, July 1, 2009 Actuarial Valuation," January 2010.
- City and County of San Francisco Department of Human Resources Overview Presentation on Benefits: Pension and Healthcare Costs, 2010.
- City and County of San Francisco charter
<http://library.municode.com/index.aspx?clientId=14130&stateId=5&stateName=California>
- City of San Francisco Top Earners 2008. <http://www.sfgate.com/webdb/sfpay2008/>
- City of San Francisco's Over-\$100,000 Earners 2007.
<http://www.sfgate.com/webdb/sfpay/?Search+Again=>
- Department of Labor: Definition of Defined Benefits and Defined Contribution Plans
<http://www.dol.gov/dol/topic/retirement/typesofplans.htm>

Edwards, Chris, Director of Tax Policy Studies, Cato Institute. "Employee Compensation in State and Local Governments." *Tax & Budget Bulletin* No. 59 January 2010.

Employee Retirement Income Security Act (ERISA) covers two types of pension plans: defined benefit plans and defined contribution plans.
<http://www.dol.gov/dol/topic/retirement/typesofplans.htm>

Fritz, Marcia. California Pension Reform. <http://www.californiapensionreform.com/>

Gillente – the Plunder of City/County Treasuries

Health Service System, City and County of San Francisco. <http://www.myhss.org/>

Hogarth, Paul. "Retirement Package Drives Cost of Police, Firefighters." *San Francisco Chronicle* June 29, 2009.

Howard, John. "Public Pension Plan Targets 'Spiking,' double-dipping." *Capitol Weekly* February 19, 2010.

Greenhut, Steven. *Plunder! How Public Employee Unions are Raiding Treasuries Controlling Our Lives and Bankrupting the Nation*. Santa Ana: Forum Press, 2009.

Lagos, Marisa. "San Francisco Pension System Abuse Cited: Grand Jury Questions Police, Fire Department Practices." *San Francisco Chronicle* July 17, 2009 and www.SFGate.com.

Little Hoover Commission. <http://www.lhc.ca.gov/reports/reports.html>
Agenda includes presentations by the following:

- Girard Miller. Retirement Plan Consultant and Commentator.
"Best Practice: Governance of Public Employee Post-Retirement Benefits"
"New Normal" Retirement Plan Designs. April 22, 2010.
- Tony Oliveira, Member, CalPERS Board of Administration, President, California State Association of Counties. Reform 1: California Public Pension Reform: The Aftermath of Perfect Storms" presented April 15, 2010.
- Statement of Ron Cottingham, President, Peace Officers Research Association of California to the Little Hoover Commission.
- Testimony of Richard Stensrud, CEO, Sacramento County Employees' Retirement System before The Little Hoover Commission, April 22, 2010.
- David Crane, Special Advisor to the Governor for Jobs and Economic Growth, Governor's Office.

Napa Country Grand Jury. 2007-2008 Final Report Retirement Benefits for County of Napa and City of Napa Employees. www.napacourt.com (accessed May 17, 2010) (accessed May 17, 2010).

Lowenstein, Roger. *While America Aged: How Pension Debts Ruined General Motors, Stopped the NYC Subways, Bankrupted San Diego, and Loom as the Next Financial Crisis*. New York: Penguin Group, 2007.

Macias, Gini & O'Connell, CPAs & Management Consultants.

Malanga, Steven. "The Beholden State: How public-sector unions broke California." *City Journal* Volume 20 #2 Spring 2010. <http://www.City-journal.org/>

Miller, Girard. "New Pension Math: Nationwide, Public Officials Scramble to Change New-hire Benefits Formulas." *Governing*, April 1, 2010 (accessed May 10, 2010). <http://www.governing.com/columns/public-money/New-Pension-Math.html>

Miller, Girard. "The Pension Tide Turns: Illinois and New Jersey Legislators Try a New Tack on Reform." *Governing*, April 8, 2010. <http://www.governing.com/columns/public-money/The-Pension-Tide-Turns.html> (accessed May 10, 2010).

Miller, Girard. "Setting a New Gold Standard: The Government Finance Officers Association Has Issued a List of Best Practices for Public Pensions. These Measures Should Be Adopted Nationwide." *Governing* April 8, 2010. <http://www.governing.com/columns/public-money/Setting-a-Gold-Standard.html> (accessed May 10, 2010).

Miller, Girard "A Facelift for Muni Bonds: Surprise! Your Bond Ratings Just Went Up!" *Governing*, April 15, 2010. <http://www.governing.com/columns/public-money/A-Facelift-for-Muni.html> (accessed May 10, 2010).

Miller, Girard. "Out of Balance, or Out of Proportion? A New Look at Whether Public Employees Are Overpaid." *Governing*, May 6, 2010. <http://www.governing.com/columns/public-money/Out-of-Balance-or.html> (accessed May 10, 2010).

Miller, Girard. "California's Pension Predicament: Fixing the State's Retirement Finances is Like Untangling a Gordian Knot." *Governing*, May 6, 2010. <http://www.governing.com/columns/public-money/Californias-Pension-Predicament.html> (accessed May 10, 2010).

Miller, Girard. Little Hoover Commission Public Hearing on California Pension System, address to California State Legislature, May 22, 2010. http://www.lhc.ca.gov/studies/activestudies/pension/Public_Notice_04-22-10%20-%20revised.pdf

Miller, Girard. Little Hoover Commission Public Hearing on California Pension System, additional speakers on May 22, 2010. <http://www.lhc.ca.gov/studies/agendas/Apr10.html>

MOU between the City and County of San Francisco and San Francisco Police Officers' Association, July 1, 2007 - June 30, 2012.
<http://www.sfdhr.org/index.aspx?page=54>

MOU between the City and County of San Francisco and San Francisco and Local 798 IAFF, AFL-CIO, Units 1 and 2, July 1, 2007 to June 30, 2012.
<http://www.sfdhr.org/index.aspx?page=54>

MOU between the City and County of San Francisco and Service Employees International Union (SEIU) Local 1021, July 1, 2010 to June 30, 2012.
<http://www.sfdhr.org/index.aspx?page=54>

Napa County Civil Grand Jury 2007-2008 Report, "Retirement Benefits for County of Napa and City of Napa Employees."

Oregon Public Service Retirement Plan (OPSRP): contained in the PEW Center on the States. "The Trillion Dollar Gap: Underfunded State Retirement Systems and the Roads to Reform." http://www.pewcenteronthestates.org/report_detail.aspx?id=56695

Pension Tsunami. "Calculation of a Private-Sector Tax Freedom Day vs. a Public-Sector Tax Freedom Day Might Start a Revolution." <http://pensionsunami.com/> "The purpose of this site is to provide an overview of the multiple pension crises that are about to drown America's taxpayers. Our primary focus is on California, but we also track other states social security and international trends." There are hundreds of articles listed.

PEW Center on the States. "The Trillion Dollar Gap: Underfunded State Retirement Systems and the Roads to Reform" Embargoed until 12:01 AM EST, Thursday, Feb 18, 2010. http://www.pewcenteronthestates.org/report_detail.aspx?id=56695

San Diego City Attorney, Jan I. Goldsmith, news release: "City seeks court enforcement of City Charter on pension contributions." San Diego City Attorney Media May 4, 2010.

San Diego City Attorney, "Pension lawsuit to be heard July 16."
<http://www.signonsandiego.com/weblogs/all-in-favor-politics/2010/may/12/pension-lawsuit-be-heard-july-16/>

San Francisco Charter Amendment for November 2010 ballot (proposed)
www.sfsmartreform.com

San Francisco Human Resources website links to Firefighters MOU's, Units 1 and 2.
<http://www.sfdhr.org/index.aspx?page=54>

"San Francisco City and County Employees' Retirement System: Financial Statements and Required Supplementary Information" (With Independent Auditor's Reports Thereon), Years Ended June 30, 2009 and 2008"

San Francisco Civil Grand Jury, 2008-09, “Pensions, Beyond Our Ability to Pay.”

San Francisco Civil Service Commission. Appointment rules 109, 114, 214, 314, 414
Classification and Related Rules Section 109.16

Policy and Definitions at w.sfgov3.org/index.aspx

Rule 114 Appointments at www.sfgov3.org/index.aspx?page=339

Rule 214 Appointments at www.sfgov3.org/index.aspx?page=351

Rule 314 Appointments at www.sfgov3.org/index.aspx?page=363

Rule 414 Appointments at www.sfgov3.org/index.aspx?page=375

San Francisco Controller’s Pension and Retiree Health Subsidy Analysis for Actual and
Projected Fiscal Years

San Francisco Department of Human Resources. “Classification, Compensation and
Collective Bargaining Agreements.”

<http://mission.sfgov.org/cgi-bin/dhr/findClass.cgi> (accessed May 10, 2010).

San Francisco Office of the Controller’s “Pension and Retiree Health History and Future
Scenarios, FY 2005-06 to FY2014-15.”

San Francisco Office of the Controller. “Government Barometer October 2009.”

<http://co.sfgov.org/webreports/details.aspx?id=1006> (accessed December 27, 2009).

San Francisco Employees’ Retirement System (SFERS), Independent Auditor's Reports
Thereon), Years Ended June 30, 2008 and 2009

http://www.sfers.org/index.aspx?page=97&item_id=67

San Francisco Employees’ Retirement System (SFERS) minutes and attendance records.

http://www.sfers.org/index.aspx?page=97&item_id=67

2009 San Francisco Fire Department Payroll: Three views: Regular Pay, Overtime, Total
Pay (most to least).

<http://spreadsheets.google.com/ccc?key=0AopdvMvLhJfddExwNEtubnVuaDV0STlpOGpHeVEwYWc&hl=en>

San Francisco Proposition D (June 8, 2010). See San Francisco Planning and Research
Assoc. (SPUR) (<http://www.spur.org>)

<http://www.spur.org/goodgovernment/ballotanalysis/Jun2010/propd>

SFERS Annual Reports – 2003 to 2009

SFERS data download for pension payments in excess of \$75K as of April 30, 2010.

SFERS Retirement Board of City and County of San Francisco Employees’ Retirement
System, presentation of Projections Stress Testing Contribution Rates, Based on the
July 1, 2009 Actuarial Valuation

Stone, Ralph E. "Constitutional Convention Needed to Address California Budget Crisis." Fog City Journal March 2010.
<http://www.fogCityjournal.com/wordpress/2010/03/constitutional-convention-needed-to-address-california-budget-crisis/>

Superior Court of the State of California in and for the County of San Francisco Les Adams, et al., v Retirement Board of the City and County of San Francisco.

U.S. Office of Personnel Management, Retirement Systems CSRS (1920 – 1986) AND FERS (1987 onwards). <http://www.opm.gov/retire/pre/csrs/index.asp>

Walters, Dan. "Municipal bankruptcy measure moving forward in Legislature." *San Francisco Examiner* June 6, 2010: page 19.

APPENDIX B

Controller's Analyst Budget (Excel spreadsheet)

Pension and Retiree Health Benefit Contributions
May 5, 2010

Pension and Retiree Health Subsidy History and Future Scenarios, FY 05-06 to FY 14-15 (projected), holding pensionable payroll constant after FY 09-10 for scenario purposes Response to Civil Grand Jury Request, updated 5/10/10, Prepared by San Francisco Controller's Office, Budget and Analysis Division, contact: Leo Levenson, leo.levenson@sfgov.org SFERS Contributions Scenarios are based on "Baseline" and "Negative 5-Year Moderate" Scenarios provided by Cheiron (SFERS actuarial consultants) on February 9, 2010 PERS Contribution Scenarios are assumed to increase after FY 2010-11 at the same rate as the alternative SFERS scenarios for the purposes of this simulation														
	FY 05-08 Actuals	FY 06-07 Actuals	FY 07-08 Actuals	FY 08-09 Actuals	FY 09-10 Projected	FY 10-11 Projected	FY 11-12 Projected	Cheiron 2/9/10 Baseline Scenario			Cheiron 2/9/10 Negative 5-Yr Moderate" Scenario			
								FY 12-13 Projected	FY 13-14 Projected	FY 14-15 Projected	FY 11-12 Projected	FY 12-13 Projected	FY 13-14 Projected	FY 14-15 Projected
SFERS Employer Contribution Rate	6.58%	6.24%	5.91%	4.99%	9.49%	13.56%	16%	19.00%	23%	25%	17%	21%	26%	30%
SFERS Employee Contribution Rate	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%	7.50%
PERS Employer Contribution Rate	20.85%	18.82%	18.07%	17.48%	18.13%	18.24%	22%	26%	31%	34%	23%	28%	35%	40%
PERS Safety Employee Contribution Rate	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9.00%	9%	9%	9%	9%	9%	9%	9%
SFERS Contributions														
SFERS Total Pensionable Payroll	1,776,308,191	1,983,617,003	2,123,651,709	2,296,163,166	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722	2,160,030,722
SFERS Employer Contribution - All Funds	116,881,079	123,777,701	125,507,816	114,578,542	204,986,916	292,900,166	345,604,916	410,405,837	496,807,066	540,007,681	367,205,223	453,606,452	561,607,988	648,009,217
SFERS Employer pick-up employee share- All Funds	41,203,365	62,359,716	65,187,942	67,967,000	63,864,516	63,864,516	63,864,516	63,864,516	63,864,516	63,864,516	63,864,516	63,864,516	63,864,516	63,864,516
Total SFERS Employer Contributions - All Funds	158,084,444	186,137,417	190,695,758	182,545,542	268,851,432	356,764,682	409,469,432	474,270,354	560,671,583	603,872,197	431,069,739	517,470,968	625,472,504	711,873,733
Year to Year Increase - Total SFERS Employer Contrib.						87,913,250	52,704,750	64,800,922	86,401,229	43,200,614	74,305,057	86,401,229	108,001,536	86,401,229
SFERS Contributions by Group														
SFERS Employer Contribution- Police	12,781,560	12,614,684	13,120,845	13,105,647	23,308,258	33,304,528	39,297,378	46,665,637	56,489,981	61,402,154	41,753,465	51,577,809	63,858,240	73,682,584
SFERS Employer Contribution- Fire	9,150,649	9,688,082	9,384,807	8,524,605	15,747,351	22,500,957	26,549,802	31,527,890	38,165,340	41,484,065	28,209,165	34,846,615	43,143,428	49,780,879
SFERS Employer Contribution- Misc/Other	136,152,235	163,834,651	168,190,106	160,915,290	229,795,823	300,959,197	343,622,252	396,076,827	466,016,261	500,985,978	361,107,110	411,046,544	518,470,836	588,410,270
PERS Contributions														
PERS Pensionable Payroll	76,761,463	84,658,007	86,437,095	95,343,558	97,343,427	97,345,427	97,345,427	97,345,427	97,345,427	97,345,427	97,345,427	97,345,427	97,345,427	97,345,427
PERS Employer Contribution- All Funds	16,004,765	15,932,637	15,619,183	16,666,054	17,643,859	17,755,806	20,950,803	24,879,079	30,116,780	32,735,630	22,260,229	27,497,930	34,045,056	39,282,757
PERS Employer pick-up employee share- All Funds	767,615	846,580	864,371	953,436	973,454	973,454	973,454	973,454	973,454	973,454	973,454	973,454	973,454	973,454
Total PERS Employer Contributions - All Funds	16,772,380	16,779,217	16,483,554	17,619,490	18,617,313	18,729,260	21,924,258	25,852,533	31,090,234	33,709,085	23,233,683	28,471,384	35,018,510	40,256,211
Total SFERS + PERS Employer Contributions, including pick-up of employee shares, all-funds														
	174,856,824	202,916,634	207,179,312	200,165,032	287,468,745	375,493,943	431,393,690	500,122,887	591,761,817	637,581,282	454,303,422	545,942,352	660,491,014	752,129,944
Estimated General Fund-Supported Share (61%), Retiree Health Employer Subsidy- Estimated 61%														
Total SFERS + PERS Employer contributions and pick-ups	106,662,663	123,779,147	126,379,380	122,100,670	175,355,934	229,051,305	263,150,151	305,074,961	360,974,708	388,924,582	277,125,088	333,024,835	402,899,519	458,799,266
Year to Year Increase - Total SFERS & PERS Employer Contrib.						53,695,371	34,098,846	41,924,810	55,899,747	27,949,874	48,073,783	55,899,747	69,874,684	55,899,747
Retiree Health Care Contributions														
Retiree Health Employer Subsidy- All Funds	96,286,435	102,062,189	110,634,137	116,893,684	124,221,112	139,210,566	153,131,622	167,525,995	183,776,016	201,602,290	153,131,622	167,525,995	183,776,016	201,602,290
Retiree Health Trust Fund Employer Contribution	-	-	-	107,082	878,645	1,098,306	1,372,883	1,716,104	2,145,130	2,681,412	1,372,883	1,716,104	2,145,130	2,681,412
Total Retiree Health Employer Contributions	96,286,435	102,062,189	110,634,137	117,000,766	125,099,757	140,308,872	154,504,505	169,242,099	185,921,146	204,283,702	154,504,505	169,242,099	185,921,146	204,283,702
Estimated General Fund-Supported Share (61%), Retiree Health Employer Subsidy- Estimated 61%														
General Fund Supported share	58,734,725	62,257,935	67,486,824	71,370,467	76,310,852	85,588,412	94,247,748	103,237,680	113,411,899	124,613,058	94,247,748	103,237,680	113,411,899	124,613,058
Year to Year Increase - Total General Employer Subsidy						9,277,560	8,659,336	8,989,932	10,174,219	11,201,159	8,659,336	8,989,932	10,174,219	11,201,159
Total Year to Year Increase in General Fund Support						62,972,931	42,758,182	50,914,742	66,073,966	39,151,033	56,733,119	64,889,679	80,048,903	67,100,906

May 5, 2010

8 Operating Budget is estimated at total AAO budget less the capital budget

APPENDIX C

The \$100 K Club

See *California Pension Reform* website: <http://www.californiapensionreform.com/>

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Chief Of Police	POLICE	8/8/2009	SR	\$ 265,558	32
Assistant Chief Of Police	POLICE	3/20/2010	SR	252,997	31
Chief Of Police	POLICE	9/13/2003	SR	245,214	40
Deputy Chief III	POLICE	8/1/2009	SR	240,796	36
Deputy Chief Of Department	FIRE	7/8/2008	SR	234,638	33
Deputy Chief III	POLICE	1/6/2007	SR	219,188	32
Chief Of Police	POLICE	7/13/2002	SR	208,847	31
Deputy Chief Of Department	FIRE	2/7/2004	SR	208,121	30
Deputy Chief III	POLICE	1/7/2003	ID	208,005	36
Chief Of Department	FIRE	7/29/2000	SR	204,126	30
Deputy Chief Of Department	FIRE	2/7/2004	SR	202,308	30
Nursing Supervisor	MISC OLD	8/1/2009	SR	202,204	34
Nursing Supervisor	MISC OLD	11/14/2009	SR	198,098	35
Deputy Chief III	POLICE	2/23/2008	SR	190,672	28
Chief Of Department	FIRE	1/13/1996	SR	190,320	33
Administrator, SFGH Medical Center	MISC NEW	3/21/2009	SR	187,812	33
Assistant Deputy Chief II	FIRE	4/22/2006	SR	187,775	32
Assistant Deputy Chief II	FIRE	3/18/2006	SR	187,775	32
Chief Of Police	POLICE	4/1/1992	SR	187,485	31
Chief Of Police	POLICE	11/20/1990	SR	186,469	33
Chief Of Department	FIRE	8/1/2001	SR	183,794	27
Assistant Chief Of Department	FIRE	7/4/2009	SR	183,394	31
Chief Of Department	FIRE	1/30/1988	SR	182,189	35
Chief Of Police	POLICE	1/6/1996	SR	181,872	29
Commander III	POLICE	4/1/2009	SR	181,182	32
Commander III	POLICE	9/16/2006	ID	181,111	31
Chief Of Department	FIRE	3/5/2007	ID	181,003	40
Chief Of Department	FIRE	7/21/1992	ID	180,339	29
Chief Of Police	POLICE	1/17/1986	SR	179,751	33
Assistant Deputy Chief II	FIRE	6/19/2004	SR	175,656	30
Deputy Chief III	POLICE	1/8/2002	SR	175,440	32
Battalion Chief, (Fire Department)	FIRE	3/7/2009	SR	174,702	31
Assistant Chief Of Department	FIRE	12/11/2006	SR	174,081	32
Deputy Chief III	POLICE	3/17/2001	SR	172,285	31
Department Head V	MISC OLD	1/9/2010	SR	171,805	39
Deputy Chief Of Department	FIRE	3/23/2000	SR	169,516	30
EMS Section Chief	FIRE	3/23/2008	SR	169,335	31
Commander III	POLICE	1/9/2003	SR	169,131	33
#N/A	MISC OLD	4/3/2005	SR	168,986	34
Captain III	POLICE	1/5/2008	SR	166,720	35
Deputy Chief Of Department	FIRE	7/11/1998	SR	166,047	31
#N/A	MISC OLD	2/28/1998	SR	165,952	36
Captain III	POLICE	7/28/2007	SR	165,197	34
Deputy Chief Of Department	FIRE	1/13/1996	ID	164,641	33
Battalion Chief, (Fire Department)	FIRE	2/20/2010	SR	164,621	31
Assistant Chief Of Department	FIRE	1/18/2003	ID	163,944	33
Assistant Chief Of Department	FIRE	1/8/2003	ID	163,944	33
#N/A	FIRE	9/1/1992	ID	163,813	30
Captain III	POLICE	11/17/2007	SR	163,657	32
Assistant Chief Of Department	FIRE	1/23/2004	SR	161,550	33
Assistant Chief Of Department	FIRE	2/18/2003	SR	160,498	36
Commander III	POLICE	3/13/2004	SR	160,216	29
Nursing Supervisor	MISC OLD	9/12/2009	SR	159,708	39
Deputy Chief Of Department	FIRE	4/20/1996	SR	159,393	28

City and County of San Francisco
Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
#N/A	FIRE	5/7/1988	SR	158,779	31
Battalion Chief, (Fire Department)	FIRE	6/27/2009	SR	158,404	31
Deputy Chief Of Department	FIRE	7/4/1992	SR	157,288	29
Deputy Chief	POLICE	1/20/1996	SR	157,031	31
Deputy Chief	POLICE	1/20/1996	SR	157,031	30
Deputy Chief III	POLICE	1/20/1999	SR	155,523	29
Deputy Chief Of Department	FIRE	3/21/1987	SR	155,412	33
Captain III	POLICE	7/12/2008	SR	155,280	37
Assistant Chief Attorney II	MISC OLD	5/19/2007	SR	155,014	38
#N/A	MISC OLD	2/20/2010	SR	154,483	38
Deputy Chief Of Department	FIRE	4/1/1986	SR	154,454	30
Captain III	POLICE	1/15/2005	SR	153,732	32
Captain III	POLICE	1/15/2005	SR	153,045	34
Battalion Chief, (Fire Department)	FIRE	8/7/2007	SR	152,598	33
Battalion Chief, (Fire Department)	FIRE	7/14/2007	SR	152,598	33
Assistant Deputy Chief II	FIRE	7/1/2006	SR	151,302	28
Battalion Chief, (Fire Department)	FIRE	6/19/2007	SR	151,211	34
Battalion Chief, (Fire Department)	FIRE	5/12/2007	SR	151,211	36
Battalion Chief, (Fire Department)	FIRE	4/5/2007	SR	151,211	33
Captain, Division Of Training	FIRE	1/13/2007	SR	151,189	32
Captain III	POLICE	7/10/2004	SR	151,083	32
Battalion Chief, (Fire Department)	FIRE	7/2/2006	ID	150,564	32
Captain, Division Of Training	FIRE	11/16/2006	ID	150,541	38
Captain III	POLICE	4/23/2005	SR	150,076	33
Deputy Chief III	POLICE	4/15/2004	ID	149,437	24
Deputy Chief	POLICE	2/6/1988	SR	149,076	30
Captain III	POLICE	3/13/2004	SR	148,960	32
Captain III	POLICE	7/2/2003	SR	148,960	34
Battalion Chief, (Fire Department)	FIRE	4/20/2006	ID	147,878	32
Battalion Chief, (Fire Department)	FIRE	1/28/2006	SR	147,878	31
#N/A	MISC OLD	3/28/1992	SR	147,476	36
Captain, (Fire Department)	FIRE	6/30/2008	SR	147,003	31
Captain, (Fire Department)	FIRE	6/30/2008	SR	146,992	31
Deputy Chief	POLICE	1/11/1986	SR	146,775	34
Deputy Chief	POLICE	1/8/1986	SR	146,775	31
Commander III	POLICE	4/10/2004	SR	146,328	30
Assistant Deputy Chief II	FIRE	7/17/2004	SR	146,294	29
Lieutenant, Bureau Of Fire	FIRE	3/2/2010	SR	146,131	30
Battalion Chief, (Fire Department)	FIRE	4/8/2006	ID	145,821	30
Assistant Chief Of Department	FIRE	6/29/2003	ID	145,715	28
Battalion Chief, (Fire Department)	FIRE	10/20/2008	SR	145,392	31
Battalion Chief, (Fire Department)	FIRE	7/7/2005	ID	145,203	31
Battalion Chief, (Fire Department)	FIRE	7/2/2005	SR	145,203	30
Head Attorney, Civil And Criminal	MISC OLD	7/1/2008	SR	144,970	38
Deputy Chief	POLICE	12/29/1988	ID	144,540	31
Deputy Chief	POLICE	1/16/1984	SR	144,540	30
Captain III	POLICE	1/7/2003	SR	143,906	30
Battalion Chief, (Fire Department)	FIRE	5/21/2005	SR	143,249	31
Deputy Chief Of Department	FIRE	1/6/2000	SR	143,241	30
Assistant Chief Attorney II	MISC OLD	5/5/2007	SR	143,125	35
Special Assistant XVIII	MISC OLD	7/19/2003	SR	143,106	33
Battalion Chief, (Fire Department)	FIRE	7/15/2005	SR	142,934	30
Deputy Chief	POLICE	11/11/1989	SR	142,611	29
Captain, (Fire Department)	FIRE	5/5/2007	SR	142,367	34

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Battalion Chief, (Fire Department)	FIRE	5/25/2004	ID	142,336	31
Battalion Chief, (Fire Department)	FIRE	4/18/2004	SR	142,336	34
Battalion Chief, (Fire Department)	FIRE	2/2/2004	ID	142,336	37
Captain, Division Of Training	FIRE	2/7/2004	ID	142,307	30
Captain, Bureau Of Fire	FIRE	4/21/2007	ID	142,254	33
Battalion Chief, (Fire Department)	FIRE	4/25/2004	ID	142,243	30
Battalion Chief, (Fire Department)	FIRE	1/25/2005	SR	142,034	31
Battalion Chief, (Fire Department)	FIRE	10/9/2004	SR	142,034	30
Battalion Chief, (Fire Department)	FIRE	9/14/2004	SR	142,034	31
Battalion Chief, (Fire Department)	FIRE	1/24/2009	SR	141,864	29
Battalion Chief, (Fire Department)	FIRE	6/29/2003	ID	141,801	37
Battalion Chief, (Fire Department)	FIRE	3/8/2003	SR	141,801	31
Battalion Chief, (Fire Department)	FIRE	1/9/2003	SR	141,801	34
Captain, Division Of Training	FIRE	1/10/2003	ID	141,767	33
Manager VIII	MISC NEW	7/1/2009	SR	141,511	31
Commander III	POLICE	7/21/2001	SR	141,352	30
Transit Supervisor	MISC OLD	1/1/2008	SR	141,081	34
Assistant Deputy Chief II	FIRE	1/18/2003	ID	140,402	29
Battalion Chief, (Fire Department)	FIRE	10/10/2003	SR	140,082	29
Assistant Deputy Chief II	FIRE	9/27/2003	SR	139,828	32
Battalion Chief, (Fire Department)	FIRE	4/14/2004	SR	139,753	30
Battalion Chief, (Fire Department)	FIRE	7/2/2004	SR	139,687	30
Deputy Director V	MISC OLD	1/21/2010	SR	139,595	39
Deputy Chief	POLICE	1/16/1980	SR	139,537	32
Battalion Chief, (Fire Department)	FIRE	3/29/2003	ID	139,437	29
Director Of Police Psychology	POLICE	7/2/2003	SR	139,345	33
Nurse Manager	MISC OLD	1/24/2009	SR	138,749	39
Battalion Chief, (Fire Department)	FIRE	1/21/2003	ID	138,592	29
Battalion Chief, (Fire Department)	FIRE	6/29/2003	SR	138,515	37
Battalion Chief, (Fire Department)	FIRE	1/6/2003	SR	138,407	29
Captain, Division Of Training	FIRE	7/5/2003	SR	138,319	29
Deputy Chief	POLICE	1/17/1986	SR	137,819	28
Battalion Chief, (Fire Department)	FIRE	6/26/2003	SR	137,779	29
Captain, (Fire Department)	FIRE	2/4/2010	SR	137,687	33
Firefighter	FIRE	3/11/2010	SR	137,534	31
Battalion Chief, (Fire Department)	FIRE	6/22/2003	SR	137,528	30
Electrical Inspector	MISC OLD	3/21/2008	SR	137,449	37
Battalion Chief, (Fire Department)	FIRE	3/8/2003	SR	136,497	29
Captain, Bureau Of Fire	FIRE	2/3/2009	SR	136,395	30
Lieutenant, (Police Department)	POLICE	12/12/2009	SR	136,255	31
Assistant Chief Of Department	FIRE	10/1/2001	ID	136,147	34
Lieutenant III	POLICE	7/14/2007	ID	135,786	37
Battalion Chief, (Fire Department)	FIRE	1/6/2003	SR	135,676	28
Assistant Chief Of Police	POLICE	5/19/2002	SR	135,481	29
Captain III	POLICE	10/1/2003	SR	135,181	30
Battalion Chief, (Fire Department)	FIRE	6/27/2007	SR	135,071	30
Captain, (Fire Department)	FIRE	12/10/2009	SR	134,968	31
Assistant Chief Of Department	FIRE	6/30/2001	SR	134,891	36
Assistant Chief Of Department	FIRE	5/26/2001	ID	134,891	39
Head Attorney, Civil And Criminal	MISC NEW	4/3/2010	SR	134,530	32
Battalion Chief, (Fire Department)	FIRE	5/15/2004	ID	134,376	31
Assistant Chief Of Department	FIRE	3/24/2001	ID	134,272	30
Manager VII	MISC OLD	7/1/2008	SR	134,165	38
Captain, Bureau Of Fire	FIRE	6/19/2004	ID	133,939	30

City and County of San Francisco
Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Captain, Bureau Of Fire	FIRE	10/18/2008	SR	133,914	34
Captain III	POLICE	3/13/2006	SR	133,628	29
Lieutenant III	POLICE	10/16/2008	SR	133,027	38
Registered Nurse	MISC OLD	2/20/2010	SR	132,978	34
#N/A	FIRE	12/6/1999	ID	132,939	33
Assistant Chief Of Department	FIRE	8/23/1999	SR	132,939	34
Assistant Chief Of Department	FIRE	11/11/2008	ID	132,669	37
#N/A	MISC OLD	6/29/1991	SR	132,339	37
Deputy Director IV	MISC OLD	1/26/2008	SR	132,159	38
Captain, (Fire Department)	FIRE	6/27/2009	SR	132,152	31
Deputy Chief	POLICE	1/29/1991	SR	132,036	26
Captain, (Fire Department)	FIRE	6/13/2009	SR	131,598	31
Attorney (Civil/Criminal)	MISC OLD	6/30/2007	SR	131,322	36
Registered Nurse	MISC OLD	4/23/2008	SR	131,258	35
Deputy Chief	POLICE	1/17/1986	SR	131,119	26
Deputy Chief	POLICE	2/15/1980	SR	130,564	27
Assistant Chief Of Department	FIRE	5/6/1999	ID	130,510	33
Assistant Chief Of Department	FIRE	2/20/1999	SR	130,509	32
EMS Section Chief	FIRE	6/27/2009	SR	130,442	28
Assistant Chief Of Department	FIRE	1/24/1998	SR	130,387	32
Assistant Chief Of Department	FIRE	1/12/1998	SR	130,387	31
Captain III	POLICE	6/14/2008	SR	130,204	25
Assistant Chief Of Department	FIRE	7/11/1998	SR	130,112	32
Assistant Chief Of Department	FIRE	7/15/1997	ID	130,004	34
Assistant Chief Of Department	FIRE	4/12/1997	ID	129,643	31
Assistant Chief Of Department	FIRE	8/31/1996	SR	129,385	30
Associate Engineer	MISC OLD	6/29/2007	SR	129,146	33
Lieutenant, Bureau Of Fire Investigation	FIRE	6/30/2007	SR	129,064	30
Assistant Chief Of Department	FIRE	4/16/1996	ID	128,764	31
Assistant Chief Of Department	FIRE	1/27/1996	SR	128,764	30
Assistant Chief Of Department	FIRE	8/21/1995	ID	128,764	38
Captain, (Fire Department)	FIRE	7/1/2008	SR	128,696	30
Lieutenant III	POLICE	7/1/2009	SR	128,439	31
#N/A	MISC OLD	2/1/2003	SR	128,331	36
Attorney (Civil/Criminal)	MISC OLD	2/21/2009	SR	128,293	33
Captain, (Fire Department)	FIRE	6/1/2008	ID	128,174	34
Attorney (Civil/Criminal)	MISC NEW	1/24/2009	SR	127,804	35
Captain, (Fire Department)	FIRE	5/16/2009	SR	127,774	30
#N/A	MISC NEW	1/8/2002	SR	127,606	37
Lieutenant III	POLICE	1/28/2006	SR	127,257	33
Marine Engineer Of Fire Boats	FIRE	7/6/2007	SR	127,138	32
Firefighter	FIRE	9/5/2009	SR	126,951	29
Assistant Chief Attorney II	MISC OLD	7/1/2005	SR	126,937	36
Lieutenant III	POLICE	8/12/2006	SR	126,920	33
Deputy Chief III	POLICE	7/5/2000	ID	126,802	31
Captain, (Fire Department)	FIRE	5/19/2007	SR	126,785	30
Captain, Bureau Of Fire	FIRE	1/2/2008	SR	126,625	30
Head Attorney, Civil And Criminal	MISC OLD	1/2/2010	SR	126,478	34
Assistant Chief Of Department	FIRE	12/1/1992	ID	126,450	32
EMS Captain	FIRE	6/27/2009	SR	126,238	30
Firefighter/Paramedic	FIRE	10/18/2009	SR	126,161	28
Deputy Chief	POLICE	12/14/1983	SR	125,910	30
Engineer/Architect Principal	MISC OLD	7/1/2008	SR	125,840	38
Manager VII	MISC OLD	1/11/2009	SR	125,822	33

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Assistant Chief Of Department	FIRE	10/6/1991	ID	125,820	35
Assistant Chief Of Department	FIRE	8/17/1991	ID	125,820	35
Assistant Chief Of Department	FIRE	8/15/1991	ID	125,820	36
Lieutenant III	POLICE	7/13/2005	SR	125,690	30
Lieutenant III	POLICE	7/9/2005	ID	125,690	35
Human Resources Director	MISC NEW	5/15/2004	SR	125,627	35
Captain, Division Of Training	FIRE	6/28/2003	SR	125,618	29
Special Services Officer	FIRE	8/22/2009	SR	125,610	31
Captain, (Fire Department)	FIRE	6/29/2007	SR	125,602	29
Lieutenant III	POLICE	4/19/2004	SR	125,487	33
Lieutenant III	POLICE	8/19/2003	ID	125,487	34
Captain, (Fire Department)	FIRE	7/15/2006	ID	125,444	32
Lieutenant, Bureau Of Fire	FIRE	5/16/2009	SR	125,426	31
Nurse Manager	MISC OLD	5/22/2008	SR	125,217	37
Lieutenant III	POLICE	3/1/2005	ID	125,215	34
Lieutenant III	POLICE	1/15/2005	ID	125,215	39
Lieutenant III	POLICE	1/17/2003	ID	125,181	33
Transit Supervisor	MISC OLD	1/24/2009	SR	125,162	36
Captain, Bureau Of Fire	FIRE	2/1/2003	ID	125,096	32
Captain III	POLICE	7/7/2001	ID	124,939	31
Lieutenant III	POLICE	2/11/2010	SR	124,807	30
Firefighter/Paramedic	FIRE	3/7/2009	SR	124,791	32
Nursing Supervisor	MISC OLD	7/1/2006	SR	124,746	37
Lieutenant, Bureau Of Fire	FIRE	3/1/2006	SR	124,436	32
Deputy Chief III	POLICE	5/2/2004	SR	124,424	31
Assistant Chief Of Department	FIRE	9/16/1989	ID	124,229	36
Assistant Chief Of Department	FIRE	7/13/1989	SR	124,229	36
Engineer/Architect Principal	MISC OLD	6/29/2007	SR	124,157	35
Construction Inspector	MISC OLD	8/2/2003	SR	124,070	47
Assistant Chief Of Department	FIRE	7/6/1993	ID	123,900	29
Captain III	POLICE	8/1/2000	SR	123,873	30
Deputy Chief III	POLICE	3/31/2001	ID	123,859	29
Battalion Chief, (Fire Department)	FIRE	8/1/2008	SR	123,849	38
Assistant Chief Attorney I	MISC OLD	7/1/1997	SR	123,820	37
Head Attorney, Civil And Criminal	MISC OLD	6/30/2007	SR	123,819	35
Engineer/Architect Principal	MISC OLD	7/18/2009	SR	123,810	35
Assistant Chief Of Department	FIRE	7/22/1991	ID	123,768	43
Nurse Manager	MISC OLD	1/24/2009	SR	123,486	35
Battalion Chief, (Fire Department)	FIRE	4/18/1998	SR	123,472	31
Captain, (Fire Department)	FIRE	5/1/2006	ID	123,202	32
Captain, (Fire Department)	FIRE	4/1/2006	ID	123,202	31
Captain, (Fire Department)	FIRE	1/28/2006	ID	123,202	31
Captain, (Fire Department)	FIRE	1/28/2006	ID	123,202	30
EMS Captain	FIRE	1/14/2006	SR	123,202	31
Deputy Director V	MISC NEW	1/30/2004	SR	123,196	22
Lieutenant III	POLICE	2/15/2003	SR	123,123	33
Assistant Chief Of Department	FIRE	10/1/1988	ID	123,076	32
Firefighter/Paramedic	FIRE	11/27/2009	SR	123,023	31
Lieutenant III	POLICE	9/11/2004	SR	122,959	36
Lieutenant III	POLICE	7/31/2004	SR	122,959	33
Lieutenant III	POLICE	7/17/2004	SR	122,959	33
Assistant Chief Of Department	FIRE	12/8/2008	ID	122,910	34
Captain III	POLICE	7/10/1999	ID	122,683	30
Transit Supervisor	MISC OLD	3/20/1999	SR	122,518	28

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Nurse Manager	MISC OLD	1/24/2009	SR	122,378	38
Chief Attorney II (Civil And Criminal)	MISC OLD	3/28/1992	SR	122,255	36
Assistant Chief Of Department	FIRE	3/12/1988	SR	122,009	29
Lieutenant, (Fire Department)	FIRE	1/12/2010	SR	121,941	30
Lieutenant, (Fire Department)	FIRE	4/25/2009	SR	121,941	30
Commander	POLICE	4/15/1990	SA	121,312	20
Battalion Chief, (Fire Department)	FIRE	5/1/2006	SR	121,098	28
Captain, (Fire Department)	FIRE	12/31/2006	SR	121,028	27
Captain, (Fire Department)	FIRE	10/1/2005	ID	120,967	31
Captain, (Fire Department)	FIRE	7/6/2005	ID	120,967	30
Captain, (Fire Department)	FIRE	7/5/2005	ID	120,967	31
Captain, (Fire Department)	FIRE	7/5/2005	SR	120,967	31
Captain, (Fire Department)	FIRE	7/5/2005	SR	120,967	31
Lieutenant, Division Of Training	FIRE	7/30/2005	SR	120,933	31
Lieutenant, (Fire Department)	FIRE	5/11/2009	SR	120,685	30
Lieutenant III	POLICE	4/12/2003	SR	120,647	34
Lieutenant III	POLICE	2/1/2003	SR	120,647	31
Lieutenant III	POLICE	1/18/2003	ID	120,647	32
Lieutenant III	POLICE	1/18/2003	ID	120,647	36
Commander III	POLICE	4/3/2004	SR	120,606	27
Assistant Chief Of Department	FIRE	7/25/1987	SR	120,578	25
Lieutenant III	POLICE	6/30/2007	ID	120,533	30
Captain, (Fire Department)	FIRE	6/8/2006	SR	120,245	26
Inspector, Bureau Of Fire	FIRE	3/16/2010	SR	120,239	31
Assistant Chief Of Department	FIRE	3/7/1985	ID	120,199	38
Deputy Director Of Public Works	MISC OLD	3/14/1992	SR	120,031	38
Lieutenant III	POLICE	1/25/2003	SR	119,998	32
Commander	POLICE	11/17/1992	SR	119,629	29
Treasurer	MISC OLD	1/8/1998	SR	119,468	38
Firefighter	FIRE	1/9/2010	SR	119,262	30
Deputy Director V	MISC OLD	5/11/2002	SR	119,259	36
Lieutenant III	POLICE	6/30/2003	SR	119,237	32
Supervising Pharmacist	MISC OLD	1/9/2010	SR	119,202	36
Assistant Chief Of Department	FIRE	8/12/2006	ID	119,152	33
Assistant Chief Of Department	FIRE	1/20/1984	ID	118,902	31
Battalion Chief, (Fire Department)	FIRE	5/9/2002	ID	118,895	34
Battalion Chief, (Fire Department)	FIRE	1/29/2002	ID	118,895	32
Commander	POLICE	5/16/1985	SR	118,877	31
Captain, (Fire Department)	FIRE	8/11/2005	ID	118,808	31
Assistant Chief Of Department	FIRE	12/31/1983	SR	118,787	29
Deputy Chief Of Department	FIRE	4/9/2005	SR	118,760	31
Nurse Manager	MISC OLD	1/21/2009	SR	118,742	36
Telecommunications Supervisor	MISC OLD	1/24/2009	SR	118,706	36
Sergeant III	POLICE	1/9/2010	SR	118,639	29
Captain, (Fire Department)	FIRE	6/19/2004	ID	118,607	31
Captain, (Fire Department)	FIRE	4/6/2004	SR	118,607	37
Captain, (Fire Department)	FIRE	3/17/2004	ID	118,607	30
Captain, (Fire Department)	FIRE	1/23/2004	SR	118,607	33
EMS Captain	FIRE	6/29/2004	SR	118,607	30
Lieutenant, Division Of Training	FIRE	5/24/2004	ID	118,566	30
Lieutenant, (Fire Department)	FIRE	6/28/2007	ID	118,551	30
Commander	POLICE	1/2/1993	SR	118,538	29
Captain, (Fire Department)	FIRE	7/6/2005	SR	118,511	30
Lieutenant II	POLICE	5/29/2003	SR	118,407	32

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Captain, (Fire Department)	FIRE	10/15/2004	SR	118,347	30
Transit Supervisor	MISC OLD	10/23/2004	SR	118,242	38
Sergeant III	POLICE	5/2/2009	SR	118,166	36
Sergeant III	POLICE	8/23/2008	SR	118,166	33
Captain, (Fire Department)	FIRE	6/30/2003	ID	118,164	34
Captain, (Fire Department)	FIRE	1/10/2003	SR	118,164	35
Captain, (Fire Department)	FIRE	1/9/2003	ID	118,164	33
Captain, (Fire Department)	FIRE	1/7/2003	SR	118,164	33
Firefighter	FIRE	6/26/2009	SR	118,112	28
Captain, (Fire Department)	FIRE	5/13/2004	ID	118,095	30
Commander	POLICE	12/22/1990	SR	117,976	29
Transit Supervisor	MISC OLD	2/26/2002	SR	117,798	39
Battalion Chief, (Fire Department)	FIRE	11/26/2001	ID	117,767	30
Nurse Manager	MISC OLD	7/1/2008	SR	117,733	36
Lieutenant III	POLICE	1/2/2009	SR	117,723	43
Manager IV	MISC OLD	1/24/2009	SR	117,613	35
Sergeant III	POLICE	10/26/2009	SR	117,600	31
#N/A	MISC OLD	1/1/2000	SR	117,551	39
Criminalist III	MISC OLD	6/30/2009	SR	117,548	34
Lieutenant, (Fire Department)	FIRE	10/6/2009	SR	117,515	35
Lieutenant, (Fire Department)	FIRE	8/1/2009	SR	117,515	35
Assistant Chief Of Department	FIRE	7/31/2006	ID	117,381	30
Assistant Chief Of Department	FIRE	6/2/1982	SR	117,381	32
Assistant Chief Of Department	FIRE	5/17/1982	ID	117,381	33
Lieutenant, (Fire Department)	FIRE	5/30/2008	ID	117,330	30
Clinical Nurse Specialist	MISC NEW	6/27/2009	SR	117,146	32
Lieutenant, Division Of Training	FIRE	7/15/2003	SR	117,125	30
Inspector, Bureau Of Fire	FIRE	6/9/2007	SR	117,069	30
Lieutenant, Division Of Training	FIRE	9/19/2009	SR	117,036	28
#N/A	MISC OLD	1/2/1996	SR	116,868	32
Lieutenant, Bureau Of Fire Investigation	FIRE	1/18/2003	ID	116,819	30
Assistant Chief Of Department	FIRE	2/16/2005	ID	116,788	30
Captain, (Fire Department)	FIRE	2/21/2009	SR	116,743	28
Battalion Chief, (Fire Department)	FIRE	6/30/2001	ID	116,680	31
Battalion Chief, (Fire Department)	FIRE	6/30/2001	SR	116,680	31
Battalion Chief, (Fire Department)	FIRE	1/26/2001	ID	116,680	31
Battalion Chief, (Fire Department)	FIRE	12/9/2000	ID	116,680	33
Battalion Chief, (Fire Department)	FIRE	12/5/2000	ID	116,680	31
Battalion Chief, (Fire Department)	FIRE	9/30/2000	ID	116,680	32
Utility Plumber Supervisor II	MISC OLD	5/12/2001	SR	116,668	32
Captain, Division Of Training	FIRE	9/30/2000	SR	116,661	36
Nurse Manager	MISC NEW	5/2/2009	SR	116,633	31
Sergeant III	POLICE	3/6/2010	SR	116,539	30
Commander	POLICE	3/19/1988	SR	116,457	29
Captain, (Fire Department)	FIRE	8/21/2004	SR	116,383	30
Captain, (Fire Department)	FIRE	7/12/2003	ID	116,383	29
Sergeant III	POLICE	2/2/2008	SR	116,162	48
Firefighter/Paramedic	FIRE	8/14/2009	SR	116,143	31
Lieutenant III	POLICE	7/12/2008	SR	116,022	42
Building Plans Engineer	MISC OLD	6/29/2002	SR	115,895	36
Captain, (Fire Department)	FIRE	5/2/2003	ID	115,881	29
Captain, (Fire Department)	FIRE	6/30/2003	ID	115,878	29
Lieutenant III	POLICE	4/1/2010	SR	115,779	27
Manager V	MISC OLD	1/24/2009	SR	115,660	37

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Lieutenant, Bureau Of Fire	FIRE	8/11/2007	ID	115,629	30
Lieutenant III	POLICE	1/14/2003	SR	115,553	32
Sergeant III	POLICE	3/26/2010	SR	115,507	30
Captain, (Fire Department)	FIRE	1/21/2003	SR	115,499	29
Lieutenant, (Fire Department)	FIRE	12/4/2008	SR	115,467	35
Lieutenant, (Fire Department)	FIRE	4/18/2008	SR	115,437	27
Lieutenant, (Fire Department)	FIRE	6/30/2007	ID	115,226	29
Inspector III	POLICE	7/28/2007	SR	115,222	34
Captain, (Fire Department)	FIRE	1/20/2007	ID	115,100	30
Lieutenant, (Fire Department)	FIRE	10/18/2008	SR	115,033	38
Lieutenant III	POLICE	1/27/2006	ID	115,026	16
Lieutenant, (Fire Department)	FIRE	10/13/2009	SR	115,012	30
Transit Supervisor	MISC OLD	6/15/2004	SR	115,008	37
Captain III	POLICE	3/3/2001	ID	115,007	29
Battalion Chief, (Fire Department)	FIRE	9/18/1999	SR	114,996	33
Captain, Division Of Training	FIRE	7/7/1999	SR	114,971	33
Battalion Chief, (Fire Department)	FIRE	11/17/2004	ID	114,954	35
Assistant Chief Of Department	FIRE	2/26/2006	ID	114,940	31
Assistant Chief Of Department	FIRE	12/5/1979	SR	114,940	30
Assistant Chief Of Department	FIRE	11/14/1979	ID	114,940	33
Incident Support Specialist	FIRE	2/13/2010	SR	114,876	30
Sergeant III	POLICE	9/1/2007	SR	114,699	37
Manager VI	MISC NEW	11/22/2009	SR	114,660	33
Police Officer III	POLICE	9/29/2009	SR	114,632	32
Sergeant III	POLICE	7/1/2005	ID	114,618	33
Battalion Chief, (Fire Department)	FIRE	1/5/2003	SR	114,559	29
Firefighter	FIRE	6/30/2009	SR	114,555	31
#N/A	MISC OLD	7/1/1999	SR	114,514	39
Firefighter	FIRE	8/21/2009	SR	114,314	31
Assistant Chief Of Department	FIRE	12/30/1984	ID	114,311	28
Manager, Utilities Engineering Bureau	MISC OLD	6/30/2007	SR	114,305	31
Captain, (Fire Department)	FIRE	1/3/2003	SR	114,291	35
Engineer/Architect Principal	MISC OLD	6/28/2008	SR	114,114	33
#N/A	MISC OLD	1/7/1989	SR	113,986	34
Inspector III	POLICE	12/13/2008	SR	113,979	32
Nursing Supervisor	MISC OLD	9/25/2004	SR	113,975	35
Inspector III	POLICE	7/8/2009	SR	113,944	29
Captain, (Police Department)	POLICE	1/11/1997	SR	113,893	30
Assistant Chief Of Department	FIRE	5/11/1978	SR	113,797	30
Assistant Chief Of Department	FIRE	10/20/1977	SR	113,797	30
Assistant Chief Of Department	FIRE	7/11/1977	ID	113,797	30
#N/A	MISC OLD	4/28/1990	SR	113,704	34
Captain, (Fire Department)	FIRE	1/26/2004	ID	113,702	29
Captain, (Fire Department)	FIRE	6/14/2003	SR	113,702	29
Utility Plumber Supervisor I	MISC OLD	12/20/2003	SR	113,666	38
Inspector III	POLICE	3/21/2009	SR	113,590	32
Director Of Police Psychology	POLICE	7/23/2009	SR	113,523	35
Assistant Chief Of Department	FIRE	7/21/2001	ID	113,460	34
Assistant Chief Of Department	FIRE	6/1/1988	ID	113,460	30
Assistant Chief Of Department	FIRE	3/6/1987	ID	113,460	31
Assistant Chief Of Department	FIRE	10/4/1985	ID	113,460	35
Assistant Chief Of Department	FIRE	8/5/1978	ID	113,460	34
Assistant Chief Of Department	FIRE	11/13/1975	SR	113,460	39
Lieutenant, Bureau Of Fire	FIRE	1/27/2005	SR	113,403	29

Note: "N/A" - unable to ascertain Job Title.

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Firefighter	FIRE	5/16/2009	SR	113,386	31
Sergeant III	POLICE	7/28/2007	SR	113,325	32
#N/A	MISC NEW	4/24/2004	SR	113,307	25
Captain, (Fire Department)	FIRE	1/21/2003	SR	113,213	29
Captain, (Police Department)	POLICE	2/17/1996	SR	113,129	32
Captain, (Police Department)	POLICE	8/12/1995	SR	113,129	30
Captain, (Police Department)	POLICE	1/28/1995	SR	113,129	31
Sergeant III	POLICE	5/2/2009	SR	112,998	32
Firefighter	FIRE	4/18/2009	SR	112,994	30
Pilot Of Fire Boats	FIRE	5/8/2008	ID	112,933	24
Battalion Chief, (Fire Department)	FIRE	10/19/2000	ID	112,898	31
Battalion Chief, (Fire Department)	FIRE	2/23/1999	ID	112,898	33
Battalion Chief, (Fire Department)	FIRE	1/4/1998	ID	112,784	32
Nurse Practitioner	MISC NEW	1/9/2010	SR	112,605	30
Firefighter	FIRE	8/28/2009	SR	112,395	28
Automotive Equipment Supervisor	MISC NEW	7/1/2009	SR	112,363	33
Attorney (Civil/Criminal)	MISC NEW	4/4/2009	SR	112,361	28
Assistant Chief Of Department	FIRE	11/9/2009	ID	112,357	36
Assistant Chief Of Department	FIRE	2/27/1979	ID	112,357	36
Lieutenant, (Fire Department)	FIRE	1/3/2008	SR	112,278	33
Lieutenant, (Fire Department)	FIRE	10/24/2008	SR	112,226	34
Lieutenant III	POLICE	10/23/2009	SR	112,216	27
Lieutenant III	POLICE	4/22/2006	ID	112,169	31
Battalion Chief, (Fire Department)	FIRE	3/8/1997	ID	112,146	31
Battalion Chief, (Fire Department)	FIRE	4/29/2004	ID	111,962	31
Battalion Chief, (Fire Department)	FIRE	7/4/1996	ID	111,926	33
Lieutenant III	POLICE	11/1/2008	ID	111,827	28
Firefighter/Paramedic	FIRE	7/1/2007	SR	111,810	30
Firefighter	FIRE	10/17/2009	SR	111,768	33
Director Of Police Psychology	POLICE	2/5/2000	SR	111,753	35
Lieutenant III	POLICE	3/19/2004	SR	111,729	32
Inspector III	POLICE	6/22/2007	ID	111,660	36
Firefighter	FIRE	3/21/2009	SR	111,591	31
Inspector III	POLICE	1/14/2006	SR	111,520	35
Inspector III	POLICE	1/14/2006	SR	111,520	33
Sergeant III	POLICE	2/25/2006	ID	111,520	34
Sergeant III	POLICE	2/21/2006	ID	111,520	31
Sergeant III	POLICE	7/1/2006	SR	111,489	37
Captain, (Police Department)	POLICE	8/10/1995	SR	111,454	30
Train Controller	MISC OLD	12/27/2008	SR	111,436	36
IS Manager	MISC OLD	8/27/2004	SR	111,349	34
Inspector, Bureau Of Fire	FIRE	2/3/2006	ID	111,297	31
Inspector III	POLICE	12/2/2006	SR	111,209	31
Inspector III	POLICE	10/21/2006	SR	111,209	31
Inspector III	POLICE	9/1/2006	ID	111,209	40
Inspector III	POLICE	7/8/2006	SR	111,209	31
Sergeant III	POLICE	9/22/2006	SR	111,209	31
Sergeant III	POLICE	7/28/2007	ID	111,204	37
#N/A	MISC OLD	7/1/1999	SR	111,194	37
Inspector III	POLICE	2/7/2009	SR	111,175	31
Lieutenant, (Fire Department)	FIRE	5/16/2009	SR	111,150	31
Senior Medical Steward	MISC OLD	1/5/2002	SR	111,149	35
Captain, (Police Department)	POLICE	10/23/1993	ID	111,113	30
Captain, (Police Department)	POLICE	7/6/1992	SR	111,113	30

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Lieutenant, (Fire Department)	FIRE	3/24/2006	SR	111,111	32
Nurse Manager	MISC OLD	1/31/2009	SR	111,078	40
Transit Operator	MISC OLD	7/1/2001	SR	110,973	38
Battalion Chief, (Fire Department)	FIRE	7/8/1996	SR	110,830	30
Lieutenant, (Fire Department)	FIRE	8/9/2007	SR	110,804	33
Firefighter	FIRE	6/30/2004	SR	110,554	30
Sergeant III	POLICE	10/4/2003	SR	110,469	37
Sergeant III	POLICE	10/1/2003	SR	110,469	37
Sergeant III	POLICE	7/2/2003	SR	110,469	33
Sergeant III	POLICE	7/1/2003	SR	110,469	37
Battalion Chief, (Fire Department)	FIRE	10/1/1993	SR	110,367	30
Battalion Chief, (Fire Department)	FIRE	10/1/1993	SR	110,367	30
Battalion Chief, (Fire Department)	FIRE	8/18/1993	ID	110,367	30
Battalion Chief, (Fire Department)	FIRE	7/23/1993	ID	110,367	31
Battalion Chief, (Fire Department)	FIRE	7/10/1993	SR	110,367	34
Captain, Division Of Training	FIRE	1/2/2004	ID	110,250	26
Sergeant III	POLICE	1/7/2003	SR	110,219	33
Transit Supervisor	MISC OLD	1/20/2001	SR	110,184	38
Inspector III	POLICE	7/12/2005	SR	110,140	32
Inspector III	POLICE	7/1/2005	SR	110,140	34
Sergeant III	POLICE	10/10/2005	SR	110,140	30
Police Officer III	POLICE	3/20/2010	SR	110,110	33
Inspector III	POLICE	8/23/2008	SR	109,959	33
Captain, (Police Department)	POLICE	7/21/1990	SR	109,949	30
Assistant Chief Of Department	FIRE	10/26/2009	ID	109,926	26
Assistant Chief Of Department	FIRE	6/11/1980	ID	109,926	26
Assistant Chief Of Department	FIRE	11/21/1979	SR	109,903	28
Lieutenant, (Fire Department)	FIRE	11/15/2006	ID	109,890	33
Lieutenant, (Fire Department)	FIRE	7/15/2006	ID	109,890	31
Lieutenant, (Fire Department)	FIRE	7/7/2006	SR	109,890	31
Captain, (Police Department)	POLICE	3/22/1997	SR	109,766	29
Inspector III	POLICE	3/26/2005	SR	109,723	34
Inspector III	POLICE	1/22/2005	SR	109,723	39
Inspector III	POLICE	1/14/2005	SR	109,723	33
Sergeant III	POLICE	1/15/2005	SR	109,723	32
Firefighter	FIRE	5/2/2009	SR	109,669	29
Sergeant III	POLICE	5/28/2009	SR	109,645	32
Captain, (Fire Department)	FIRE	1/7/2003	SR	109,630	28
Sergeant III	POLICE	12/11/2008	SR	109,615	31
Deputy Director V	MISC NEW	5/8/2004	SR	109,554	26
Battalion Chief, (Fire Department)	FIRE	3/25/1995	SR	109,425	29
#N/A	MISC OLD	7/1/1993	SR	109,411	37
Inspector III	POLICE	1/28/2006	SR	109,411	33
Inspector III	POLICE	2/2/2008	SR	109,370	31
Firefighter/Paramedic	FIRE	7/11/2009	SR	109,300	31
Captain, (Police Department)	POLICE	8/14/2004	ID	109,293	32
Lieutenant III	POLICE	8/16/2003	SR	109,286	27
Inspector III	POLICE	10/7/2006	SR	109,246	31
Lieutenant, Division Of Training	FIRE	7/1/2004	ID	109,240	32
Inspector II	POLICE	7/8/2006	SR	109,202	44
Lieutenant, (Fire Department)	FIRE	8/18/2007	ID	109,175	33
Lieutenant, (Fire Department)	FIRE	7/21/2007	SR	109,166	32
Captain, (Police Department)	POLICE	10/9/1989	ID	109,162	34
Landscape Architect Senior	MISC OLD	8/1/2009	SR	109,112	38

\$100K or Greater Pension Payments
City and County of San Francisco
Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Registered Nurse	MISC NEW	2/26/2009	SR	109,017	28
Protective Services Supervisor	MISC OLD	1/1/2005	SR	108,983	39
Battalion Chief, (Fire Department)	FIRE	2/29/1992	ID	108,845	33
Battalion Chief, (Fire Department)	FIRE	1/5/1992	ID	108,845	35
Battalion Chief, (Fire Department)	FIRE	11/23/1991	ID	108,845	37
Lieutenant, (Fire Department)	FIRE	6/28/2008	SR	108,831	31
Registered Nurse	MISC OLD	2/7/2009	SR	108,657	36
Police Officer III	POLICE	4/26/2008	SR	108,582	31
Supervising Pharmacist	MISC OLD	1/16/2007	SR	108,539	37
Inspector III	POLICE	4/9/2005	SR	108,531	38
Lieutenant III	POLICE	5/19/2004	ID	108,514	29
Nurse Manager	MISC OLD	3/28/1992	SR	108,457	31
Pharmacist	MISC NEW	2/6/2010	SR	108,449	33
Lieutenant, (Fire Department)	FIRE	1/10/2009	SR	108,390	31
Special Assistant XVIII	MISC NEW	1/11/2009	SR	108,358	30
Assistant Chief Of Department	FIRE	8/31/1999	ID	108,288	26
#N/A	MISC OLD	3/28/1992	SR	108,255	37
Battalion Chief, (Fire Department)	FIRE	8/11/1990	ID	108,237	39
Battalion Chief, (Fire Department)	FIRE	7/1/2006	SR	108,237	28
Battalion Chief, (Fire Department)	FIRE	9/27/1990	ID	108,234	37
Battalion Chief, (Fire Department)	FIRE	7/12/1990	SR	108,234	33
Attorney For The Public Administrator	MISC OLD	7/1/1995	SR	108,120	38
Inspector, Bureau Of Fire	FIRE	5/2/2009	SR	108,115	28
Battalion Chief, (Fire Department)	FIRE	8/19/1998	SR	108,097	29
Battalion Chief, (Fire Department)	FIRE	7/1/1995	ID	108,094	29
Manager IV	MISC NEW	1/11/2009	SR	108,076	34
Lieutenant, (Fire Department)	FIRE	5/19/2007	SR	107,956	30
Firefighter	FIRE	1/26/2010	SR	107,946	28
Lieutenant, (Fire Department)	FIRE	3/3/2006	SR	107,918	32
Lieutenant, (Fire Department)	FIRE	2/11/2006	SR	107,918	31
Lieutenant, (Fire Department)	FIRE	2/8/2006	SR	107,918	32
Lieutenant, (Fire Department)	FIRE	2/1/2006	ID	107,918	32
Lieutenant, (Fire Department)	FIRE	1/28/2006	SR	107,918	31
Lieutenant, (Fire Department)	FIRE	1/3/2006	SR	107,918	32
Manager VI, MTA	MISC OLD	1/24/2009	SR	107,832	33
Lieutenant III	POLICE	2/16/2008	SR	107,792	26
Lieutenant, (Fire Department)	FIRE	4/9/2006	SR	107,770	31
Firefighter	FIRE	6/30/2009	SR	107,754	30
Sergeant III	POLICE	7/16/2004	SR	107,747	32
Sergeant III	POLICE	7/9/2004	ID	107,747	38
Deputy General Manager	MISC OLD	2/1/2003	SR	107,745	34
Landscape Architect Senior	MISC OLD	6/29/2007	SR	107,630	36
Lieutenant, (Fire Department)	FIRE	6/29/2007	ID	107,620	29
Engineer/Architect Principal	MISC OLD	6/30/2007	SR	107,563	35
Transit Supervisor	MISC OLD	7/1/2003	SR	107,545	35
Lieutenant, (Fire Department)	FIRE	2/25/2006	SR	107,468	31
Battalion Chief, (Fire Department)	FIRE	3/17/1996	SR	107,466	28
Battalion Chief, (Fire Department)	FIRE	11/22/2002	ID	107,451	31
Battalion Chief, (Fire Department)	FIRE	9/16/1989	SR	107,451	35
Battalion Chief, (Fire Department)	FIRE	7/6/1989	ID	107,451	31
Police Officer III	POLICE	6/30/2009	SR	107,450	31
EMS Captain	FIRE	9/30/2009	SR	107,346	25
Firefighter	FIRE	7/1/2008	SR	107,332	31
Special Assistant XVIII	MISC OLD	11/27/1999	SR	107,161	37

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Captain, (Fire Department)	FIRE	6/30/2003	SR	107,146	29
Firefighter	FIRE	6/29/2008	SR	107,129	30
Investigator, Bureau Of Fire	FIRE	9/28/2004	ID	107,126	30
Investigator, Bureau Of Fire	FIRE	11/4/2003	ID	107,126	34
Inspector, Bureau Of Fire	FIRE	6/28/2008	SR	107,057	30
Manager V	MISC OLD	4/18/2009	SR	107,054	39
Landscape Architect Senior	MISC OLD	2/28/2009	SR	106,966	36
Registered Nurse	MISC OLD	11/24/2007	SR	106,942	33
Captain, (Police Department)	POLICE	8/6/1986	SR	106,868	32
Captain, (Police Department)	POLICE	7/26/1986	ID	106,868	36
Hospital Assistant Administrator	MISC OLD	9/10/2005	SR	106,823	35
Inspector III	POLICE	2/1/2007	SR	106,818	36
Firefighter	FIRE	7/11/2009	SR	106,816	28
Captain, Division Of Training	FIRE	11/15/1997	SR	106,816	28
Transit Supervisor	MISC OLD	6/28/2003	SR	106,788	33
Captain, (Police Department)	POLICE	3/22/1997	SR	106,758	28
Inspector, Bureau Of Fire	FIRE	4/1/2003	ID	106,724	36
Deputy Chief	POLICE	11/16/2003	SR	106,722	27
Battalion Chief, (Fire Department)	FIRE	8/18/2007	ID	106,697	41
Captain, (Fire Department)	FIRE	6/13/2003	ID	106,694	29
Battalion Chief, (Fire Department)	FIRE	11/14/1997	ID	106,686	27
Firefighter	FIRE	10/17/2008	SR	106,538	30
Firefighter	FIRE	5/3/2008	SR	106,489	29
Sergeant III	POLICE	7/1/2008	SR	106,402	28
Captain, (Police Department)	POLICE	3/22/1997	SR	106,399	28
Battalion Chief, (Fire Department)	FIRE	10/27/1990	ID	106,346	29
Firefighter	FIRE	10/23/2008	SR	106,326	30
Nurse Manager	MISC OLD	10/1/2006	SR	106,234	44
Battalion Chief, (Fire Department)	FIRE	8/11/1999	ID	106,202	28
Inspector III	POLICE	9/27/2003	SR	106,082	37
Inspector III	POLICE	7/26/2003	ID	106,082	32
Inspector III	POLICE	7/25/2003	SR	106,082	32
Inspector III	POLICE	7/9/2003	SR	106,082	33
Inspector III	POLICE	7/1/2003	ID	106,082	30
Inspector III	POLICE	7/1/2003	SR	106,082	34
Sergeant III	POLICE	1/31/2004	SR	106,082	32
Sergeant III	POLICE	11/8/2003	SR	106,082	31
Sergeant III	POLICE	7/8/2003	SR	106,082	32
Sergeant III	POLICE	7/1/2003	SR	106,082	33
Sergeant III	POLICE	7/1/2003	SR	106,082	32
Captain, (Police Department)	POLICE	2/1/1986	SR	106,056	31
Member, Board Of Supervisors	MISC NEW	11/12/2005	SR	105,992	26
Lieutenant, (Fire Department)	FIRE	8/27/2005	SR	105,960	30
Lieutenant, (Fire Department)	FIRE	7/30/2005	SR	105,960	31
Lieutenant, (Fire Department)	FIRE	7/5/2005	SR	105,960	31
Lieutenant, (Fire Department)	FIRE	7/3/2005	SR	105,960	32
Battalion Chief, (Fire Department)	FIRE	8/2/1996	ID	105,930	34
Battalion Chief, (Fire Department)	FIRE	6/1/1988	SR	105,930	31
Battalion Chief, (Fire Department)	FIRE	2/20/1988	SR	105,930	30
Captain, Bureau Of Fire	FIRE	7/2/1998	SR	105,900	30
Captain, (Fire Department)	FIRE	7/31/2004	SR	105,825	30
Lieutenant, (Fire Department)	FIRE	5/7/2007	SR	105,726	30
General Manager, PTD	MISC OLD	7/1/1994	OD	105,688	33
Inspector III	POLICE	6/30/2003	SR	105,685	32

\$100K or Greater Pension Payments

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Inspector III	POLICE	6/28/2003	SR	105,685	32
Inspector III	POLICE	6/14/2003	SR	105,685	32
Inspector III	POLICE	5/17/2003	SR	105,685	31
Inspector III	POLICE	3/29/2003	ID	105,685	33
Inspector III	POLICE	3/21/2003	SR	105,685	32
Inspector III	POLICE	2/15/2003	SR	105,685	38
Inspector III	POLICE	1/31/2003	ID	105,685	32
Inspector III	POLICE	1/17/2003	SR	105,685	32
Inspector III	POLICE	1/11/2003	SR	105,685	34
Inspector III	POLICE	1/7/2003	SR	105,685	31
Sergeant III	POLICE	6/30/2003	SR	105,685	33
Sergeant III	POLICE	2/15/2003	SR	105,685	31
Sergeant III	POLICE	1/25/2003	SR	105,685	33
Sergeant III	POLICE	1/14/2003	SR	105,685	34
Sergeant III	POLICE	1/7/2003	ID	105,685	31
Captain, (Police Department)	POLICE	12/26/1984	ID	105,658	30
Deputy Director III	MISC NEW	6/16/2007	SR	105,652	30
Lieutenant, (Fire Department)	FIRE	5/4/2006	SR	105,643	31
Firefighter	FIRE	10/15/2008	SR	105,642	30
Inspector III	POLICE	1/29/2005	SR	105,626	30
Transit Supervisor	MISC OLD	5/26/2009	SR	105,626	36
Attorney (Civil/Criminal)	MISC OLD	2/23/2008	SR	105,607	39
Captain, Bureau Of Fire	FIRE	2/22/1997	SR	105,519	30
IS Manager	MISC OLD	2/16/2002	SR	105,510	36
Transit Operator	MISC OLD	3/1/1999	SR	105,423	33
#N/A	MISC OLD	1/17/1998	SR	105,410	39
Inspector, Bureau Of Fire	FIRE	5/31/2003	SR	105,295	30
Sergeant III	POLICE	1/28/2006	SR	105,278	30
Lieutenant III	POLICE	5/17/2008	SR	105,229	26
Battalion Chief, (Fire Department)	FIRE	1/4/1987	SR	105,229	30
#N/A	MISC OLD	1/2/1988	SR	105,214	32
Battalion Chief, (Fire Department)	FIRE	9/17/1986	SR	105,170	32
Executive Contract Employee with FBP	MISC NEW	3/22/2008	SR	105,104	22
Lieutenant III	POLICE	4/1/2003	ID	104,898	34
Inspector III	POLICE	8/12/2007	SR	104,850	32
Investigator, Bureau Of Fire	FIRE	6/20/2007	SR	104,830	30
Manager VI	MISC OLD	7/1/2005	SR	104,825	35
Manager VI	MISC NEW	2/27/2010	SR	104,824	27
Attorney (Civil/Criminal)	MISC OLD	6/30/2007	SR	104,726	28
Captain, Division Of Training	FIRE	8/3/2009	ID	104,669	29
Bureau Manager	MISC OLD	3/4/2000	SR	104,613	37
Battalion Chief, (Fire Department)	FIRE	6/2/2004	SR	104,597	31
Director of Forensic Services	POLICE	11/4/1995	SR	104,575	38
Assistant Chief Of Department	FIRE	12/24/1970	SR	104,545	36
Captain, (Police Department)	POLICE	7/13/1983	SR	104,519	36
Captain, (Police Department)	POLICE	7/10/1983	SR	104,519	30
Sergeant III	POLICE	1/2/2007	SR	104,481	31
Battalion Chief, (Fire Department)	FIRE	10/2/2009	ID	104,441	32
Transit Operator	MISC OLD	12/21/2002	SR	104,418	39
Firefighter	FIRE	10/25/2008	SR	104,397	30
Inspector III	POLICE	6/28/2003	SR	104,372	35
Inspector, Bureau Of Fire	FIRE	3/29/2003	SR	104,354	29
Battalion Chief, (Fire Department)	FIRE	6/18/2004	SR	104,348	33
#N/A	MISC OLD	7/1/1999	SR	104,330	39

\$100K or Greater Pension Payments
City and County of San Francisco
Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Manager VII	MISC NEW	7/1/2009	SR	104,316	26
Battalion Chief, (Fire Department)	FIRE	7/8/1985	SR	104,248	29
Inspector III	POLICE	7/2/2003	SR	104,171	32
Sergeant III	POLICE	11/29/2008	SR	104,082	30
Battalion Chief, (Fire Department)	FIRE	9/23/1999	ID	104,016	30
Battalion Chief, (Fire Department)	FIRE	7/18/1984	SR	103,968	30
Inspector, (Police Department)	POLICE	1/3/2008	ID	103,957	32
Lieutenant, (Fire Department)	FIRE	6/30/2004	SR	103,955	30
#N/A	MISC OLD	8/27/2005	SR	103,885	37
Lieutenant, (Fire Department)	FIRE	6/19/2004	ID	103,871	30
Lieutenant, (Fire Department)	FIRE	6/6/2004	SR	103,871	30
Lieutenant, (Fire Department)	FIRE	4/14/2004	SR	103,871	30
Lieutenant, (Fire Department)	FIRE	3/26/2004	ID	103,871	30
Lieutenant, (Fire Department)	FIRE	3/26/2004	SR	103,871	30
Lieutenant, (Fire Department)	FIRE	2/8/2004	ID	103,871	38
Lieutenant, (Fire Department)	FIRE	1/29/2004	ID	103,871	30
Lieutenant, (Fire Department)	FIRE	1/2/2004	ID	103,871	30
Lieutenant, (Fire Department)	FIRE	7/9/2003	SR	103,871	32
Commander	POLICE	9/8/1994	ID	103,861	25
Captain, (Police Department)	POLICE	3/14/1992	SR	103,813	28
Firefighter	FIRE	6/29/2008	SR	103,802	30
Battalion Chief, (Fire Department)	FIRE	9/6/1990	SR	103,740	28
Police Officer III	POLICE	2/20/2010	SR	103,694	31
Police Officer III	POLICE	10/19/2007	SR	103,670	32
Captain, (Police Department)	POLICE	1/30/1993	SR	103,664	28
Lieutenant, (Fire Department)	FIRE	2/5/2005	ID	103,652	30
Lieutenant, (Fire Department)	FIRE	1/29/2005	SR	103,652	31
Lieutenant, (Fire Department)	FIRE	12/30/2004	ID	103,652	34
Lieutenant, (Fire Department)	FIRE	11/24/2004	SR	103,652	30
Lieutenant, (Fire Department)	FIRE	11/11/2004	ID	103,652	30
Lieutenant, (Fire Department)	FIRE	10/1/2004	ID	103,652	30
Lieutenant, (Fire Department)	FIRE	9/30/2004	ID	103,652	31
Lieutenant, (Fire Department)	FIRE	9/11/2004	ID	103,652	31
Lieutenant, (Fire Department)	FIRE	8/28/2004	SR	103,652	30
Lieutenant, (Fire Department)	FIRE	8/22/2004	SR	103,652	30
Lieutenant, (Fire Department)	FIRE	8/17/2004	ID	103,652	30
Lieutenant, (Fire Department)	FIRE	7/24/2004	SR	103,652	30
Lieutenant, (Fire Department)	FIRE	7/14/2004	ID	103,652	30
Lieutenant, (Fire Department)	FIRE	7/10/2004	ID	103,652	30
Lieutenant, (Fire Department)	FIRE	7/2/2004	SR	103,652	37
#N/A	MISC OLD	1/12/1985	SR	103,592	35
Lieutenant, (Fire Department)	FIRE	3/23/2004	SR	103,518	30
Sewage Treatment Plant Superintendent	MISC OLD	7/1/2008	SR	103,508	37
Lieutenant, (Fire Department)	FIRE	6/27/2003	ID	103,479	36
Lieutenant, (Fire Department)	FIRE	3/8/2003	SR	103,479	34
Lieutenant, (Fire Department)	FIRE	3/1/2003	SR	103,479	32
Lieutenant, (Fire Department)	FIRE	2/20/2003	SR	103,479	34
Lieutenant, (Fire Department)	FIRE	1/21/2003	SR	103,479	35
Lieutenant, (Fire Department)	FIRE	1/10/2003	SR	103,479	33
Lieutenant, (Fire Department)	FIRE	6/29/2004	SR	103,423	30
Lieutenant, (Fire Department)	FIRE	6/29/2004	SR	103,423	30
Lieutenant, (Fire Department)	FIRE	5/1/2004	ID	103,423	30
Lieutenant III	POLICE	2/5/2001	ID	103,385	30
Police Officer III	POLICE	7/3/2007	SR	103,272	33

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Battalion Chief, (Fire Department)	FIRE	8/1/1991	SR	103,253	28
Battalion Chief, (Fire Department)	FIRE	2/5/1989	ID	103,233	23
Landscape Architect Senior	MISC OLD	6/9/2007	SR	103,216	35
Firefighter	FIRE	11/13/2007	ID	103,125	30
Transit Supervisor	MISC OLD	12/1/2001	SR	103,111	37
Deputy Director Of Public Works	MISC OLD	3/28/1992	SR	103,095	34
Captain, (Police Department)	POLICE	7/9/1994	SR	103,037	28
Captain, (Police Department)	POLICE	5/8/1997	SA	102,967	28
Captain, Division Of Training	FIRE	5/1/1990	ID	102,905	29
Transit Operator	MISC OLD	6/30/2001	SR	102,897	38
Lieutenant, (Fire Department)	FIRE	8/1/2004	SR	102,852	33
Lieutenant, (Fire Department)	FIRE	5/29/2004	SR	102,851	30
Battalion Chief, (Fire Department)	FIRE	5/2/1984	ID	102,837	32
Battalion Chief, (Fire Department)	FIRE	2/8/1984	SR	102,837	30
Battalion Chief, (Fire Department)	FIRE	1/1/1984	SR	102,837	37
Lieutenant, (Fire Department)	FIRE	6/30/2006	ID	102,837	29
Police Officer III	POLICE	6/27/2009	SR	102,802	32
#N/A	MISC OLD	9/15/2001	SR	102,783	32
Sergeant III	POLICE	5/3/2008	SR	102,770	37
Department Head II	MISC NEW	1/31/2009	SR	102,729	24
Lieutenant, (Fire Department)	FIRE	12/26/2009	SR	102,712	31
Battalion Chief, (Fire Department)	FIRE	3/21/1987	ID	102,683	32
IS Manager	MISC NEW	1/29/2005	SR	102,669	33
Lieutenant, (Fire Department)	FIRE	6/30/2007	SR	102,630	32
Lieutenant, (Fire Department)	FIRE	10/10/2003	ID	102,573	30
Commander	POLICE	6/7/1989	SR	102,571	32
Battalion Chief, (Fire Department)	FIRE	2/5/1992	ID	102,561	28
Sergeant III	POLICE	2/21/2006	SR	102,520	37
Clinical Nurse Specialist	MISC NEW	1/23/2010	SR	102,500	29
Battalion Chief, (Fire Department)	FIRE	10/24/1993	ID	102,471	28
Firefighter	FIRE	1/23/2010	SR	102,333	31
Water Service Inspector	MISC OLD	6/28/2008	SR	102,325	39
Captain, Bureau Of Fire	FIRE	1/30/1993	SR	102,262	38
Battalion Chief, (Fire Department)	FIRE	3/18/1991	SR	102,227	27
Lieutenant, (Fire Department)	FIRE	2/22/2004	SR	102,214	29
Battalion Chief, (Fire Department)	FIRE	4/14/1983	ID	102,201	32
Battalion Chief, (Fire Department)	FIRE	7/31/1982	SR	102,201	32
Firefighter	FIRE	6/29/2007	SR	102,123	30
Lieutenant, (Fire Department)	FIRE	1/3/2004	SR	102,069	29
Captain, Bureau Of Fire	FIRE	7/16/1994	ID	102,061	29
Inspector II	POLICE	6/28/2008	SR	102,039	33
Head Attorney, Civil And Criminal	MISC OLD	12/15/2008	SR	101,976	33
Lieutenant, (Fire Department)	FIRE	8/1/2003	SR	101,870	29
Captain, (Police Department)	POLICE	7/8/1989	SR	101,859	28
Battalion Chief, (Fire Department)	FIRE	9/9/1983	ID	101,834	29
Transit Supervisor	MISC OLD	4/21/2000	SR	101,830	37
Captain, (Police Department)	POLICE	5/13/1981	SR	101,778	31
Captain, (Police Department)	POLICE	5/10/1981	SR	101,778	31
Captain, (Police Department)	POLICE	10/1/1980	SR	101,778	31
Lieutenant, (Fire Department)	FIRE	1/6/2004	ID	101,761	29
Captain, (Fire Department)	FIRE	2/18/2003	ID	101,759	28
#N/A	MISC NEW	6/30/2007	SR	101,739	34
Lieutenant, (Fire Department)	FIRE	2/15/2004	SR	101,667	30
Police Officer III	POLICE	3/11/2009	SR	101,650	37

City and County of San Francisco

Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Lieutenant, (Fire Department)	FIRE	10/15/2005	ID	101,647	31
Lieutenant, (Fire Department)	FIRE	1/7/2008	SR	101,636	30
Transit Operator	MISC OLD	1/1/2005	SR	101,622	38
Inspector III	POLICE	11/3/2007	SR	101,622	29
Inspector, (Police Department)	POLICE	7/1/2009	SR	101,610	30
Captain, Bureau Of Fire	FIRE	3/18/1992	ID	101,571	30
Lieutenant III	POLICE	3/16/2002	SR	101,566	35
Battalion Chief, (Fire Department)	FIRE	11/18/1981	SR	101,533	32
Battalion Chief, (Fire Department)	FIRE	7/15/1981	SR	101,533	30
Battalion Chief, (Fire Department)	FIRE	4/2/1984	ID	101,521	29
Lieutenant, (Fire Department)	FIRE	6/30/2003	SR	101,483	29
Battalion Chief, (Fire Department)	FIRE	7/16/1991	ID	101,482	28
Lieutenant, (Fire Department)	FIRE	1/27/2007	SR	101,433	30
Battalion Chief, (Fire Department)	FIRE	7/11/1991	SR	101,429	27
Chief Attorney II (Civil And Criminal)	MISC OLD	1/6/1996	SR	101,388	32
Captain, (Police Department)	POLICE	7/9/1991	SR	101,371	28
Captain, (Police Department)	POLICE	2/1/1981	SR	101,352	33
Captain, (Police Department)	POLICE	12/3/1994	SR	101,318	27
Inspector III	POLICE	5/10/2008	SR	101,318	28
Claims Investigator	MISC OLD	5/2/2009	SR	101,243	36
Lieutenant, (Fire Department)	FIRE	5/20/2004	SR	101,203	30
Firefighter	FIRE	5/5/2007	SR	101,184	30
Lieutenant, (Fire Department)	FIRE	6/30/2003	ID	101,181	29
Lieutenant, (Fire Department)	FIRE	3/29/2003	SR	101,181	29
Police Officer III	POLICE	1/3/2009	SR	101,175	32
Manager VI	MISC OLD	1/15/2005	SR	101,132	32
Firefighter	FIRE	6/28/2007	SR	101,128	30
Operations Bureau Superintendent	MISC OLD	7/1/2005	SR	101,118	38
Captain, Bureau Of Fire	FIRE	7/22/1989	ID	101,116	30
Firefighter	FIRE	5/31/2008	SR	101,088	28
Captain, (Police Department)	POLICE	2/27/1980	ID	101,082	33
Captain, (Police Department)	POLICE	9/11/1979	ID	101,082	31
Captain, (Police Department)	POLICE	8/1/1979	SR	101,082	32
Captain, (Police Department)	POLICE	7/7/1979	SR	101,082	39
Battalion Chief, (Fire Department)	FIRE	6/17/1991	SR	101,049	27
Nursing Supervisor	MISC OLD	7/10/1999	SR	100,979	42
Incident Support Specialist	FIRE	7/1/2007	SR	100,950	29
Firefighter	FIRE	6/30/2007	SR	100,945	29
Inspector III	POLICE	7/1/2006	SR	100,926	29
Transit Manager II	MISC OLD	1/13/2009	SR	100,920	35
Battalion Chief, (Fire Department)	FIRE	6/15/1983	SR	100,908	29
Lieutenant, (Fire Department)	FIRE	7/15/2004	SR	100,869	29
Lieutenant, (Fire Department)	FIRE	1/19/2003	SR	100,794	33
Pharmacist	MISC OLD	7/1/2008	SR	100,782	39
Lieutenant, (Fire Department)	FIRE	10/23/2008	SR	100,673	28
Captain, (Police Department)	POLICE	3/22/1997	SR	100,654	27
Battalion Chief, (Fire Department)	FIRE	3/3/1983	SR	100,652	29
Inspector, Bureau Of Fire	FIRE	5/1/2003	ID	100,636	28
Lieutenant III	POLICE	7/7/2001	ID	100,623	30
Lieutenant III	POLICE	7/7/2001	SR	100,623	31
Airport Operations Supervisor	MISC OLD	4/27/2009	SR	100,623	36
Manager VI	MISC OLD	7/6/2002	SR	100,608	36
Lieutenant, (Fire Department)	FIRE	5/31/2003	SR	100,544	29
Lieutenant, (Fire Department)	FIRE	5/10/2003	SR	100,544	29

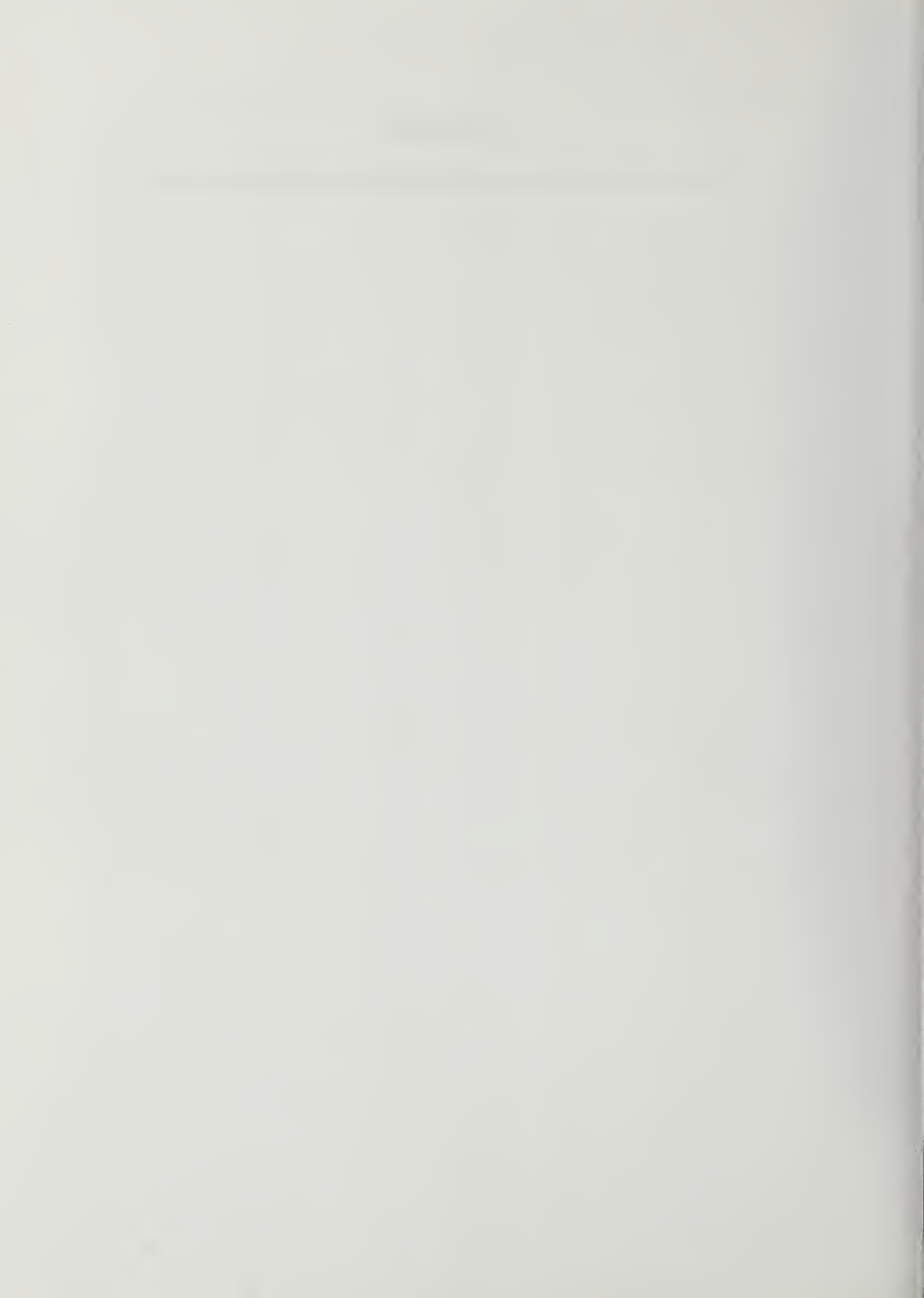
\$100K or Greater Pension Payments
City and County of San Francisco
Source: SFERS April 30, 2010 Pension Payments

Job Title	Dept.	Ret Date	RetType	Annual Pension	SvcCredit
Construction Inspector	MISC OLD	6/27/2009	SR	100,522	36
Sergeant III	POLICE	1/26/2008	SR	100,452	28
#N/A	POLICE	4/9/1976	SR	100,443	29
Lieutenant, (Fire Department)	FIRE	7/30/2004	SR	100,442	30
Firefighter	FIRE	3/6/2009	SR	100,432	29
Lieutenant, Division Of Training	FIRE	2/22/2003	SR	100,429	32
Battalion Chief, (Fire Department)	FIRE	9/11/2007	SR	100,420	32
Battalion Chief, (Fire Department)	FIRE	4/30/1993	ID	100,390	27
Utility Plumber Supervisor I	MISC OLD	6/29/1991	SR	100,385	33
Automotive Transit Shop Supervisor I	MISC OLD	7/1/1988	SR	100,375	36
Captain, (Fire Department)	FIRE	7/1/2005	SR	100,368	35
Firefighter	FIRE	6/29/2008	SR	100,361	28
Captain, (Police Department)	POLICE	4/9/1976	ID	100,353	37
Battalion Chief, (Fire Department)	FIRE	5/7/1982	SR	100,312	29
Assistant Chief Attorney I	MISC OLD	3/1/1997	SR	100,282	32
Firefighter	FIRE	3/11/2009	SR	100,248	31
Lieutenant, (Fire Department)	FIRE	1/8/2003	ID	100,245	29
Captain, (Police Department)	POLICE	3/22/1997	SR	100,230	27
Inspector III	POLICE	3/1/2009	SR	100,221	28
Firefighter	FIRE	8/8/2007	SR	100,144	30
Manager IV	MISC NEW	6/30/2007	SR	100,134	37
Police Officer III	POLICE	10/7/2006	ID	100,133	33
Police Officer III	POLICE	9/11/2006	ID	100,133	34
Police Officer III	POLICE	9/8/2006	ID	100,133	31
Police Officer III	POLICE	8/26/2006	ID	100,133	37
Police Officer III	POLICE	8/5/2006	ID	100,133	33
Police Officer III	POLICE	7/15/2006	SR	100,133	31
Manager IV	MISC OLD	1/24/2009	SR	100,122	34
Battalion Chief, (Fire Department)	FIRE	2/19/1981	SR	100,115	30
Battalion Chief, (Fire Department)	FIRE	7/10/1980	SR	100,115	33
Captain, (Police Department)	POLICE	6/9/1978	SR	100,082	31
Captain, (Police Department)	POLICE	6/7/1978	SR	100,082	31
Captain, (Police Department)	POLICE	10/12/1977	SR	100,082	30
Inspector III	POLICE	3/22/2008	SR	100,077	28
Police Officer III	POLICE	7/17/2009	SR	100,006	31
Sergeant III	POLICE	9/27/2003	SR	100,001	31



APPENDIX D

Cheiron “Projections Stress Testing Employer Contribution Rates”



Presentation to the Retirement Board
City and County of San Francisco
Employees' Retirement System

Projections
Stress Testing Contribution Rates
Based on the July 1, 2009 Actuarial Valuation

February 9, 2010



Topics

- Introduction
- Scenarios for Projections
- Projections
 - Baseline – Budget projection provided to the Controller
 - 1-Year Shock
 - 5-Year Moderate
 - 5-Year Significant
- Closing Remarks

Introduction

- Baseline projection provided to the Controller represents our median projection, but there is a significant range of possibilities
- Stress test projections are intended to provide some sense of the range of potential contribution rates in the short to medium term
 - Only reflects the impact of different investment returns. Other factors can also affect contribution rates, including changes in plan provisions from new Propositions.
 - Actual returns will be different than any of the scenarios projected and may produce contribution rates outside the bounds of these projections.



- ## Expected Distribution of Average Annual Returns

Percentile	Years				
	1	5	10	20	30
5%	-9.6%	0.0%	2.2%	3.8%	4.5%
25%	0.6%	4.5%	5.5%	6.1%	6.4%
50%	7.7%	7.7%	7.7%	7.7%	7.7%
75%	14.8%	10.9%	9.9%	9.3%	9.0%
95%	25.0%	15.4%	13.2%	11.6%	10.9%



Projections – Baseline

scan

Stress Testing

CHEIRON

Investment Return Options

Baseline

Historical

1-Yr Shock

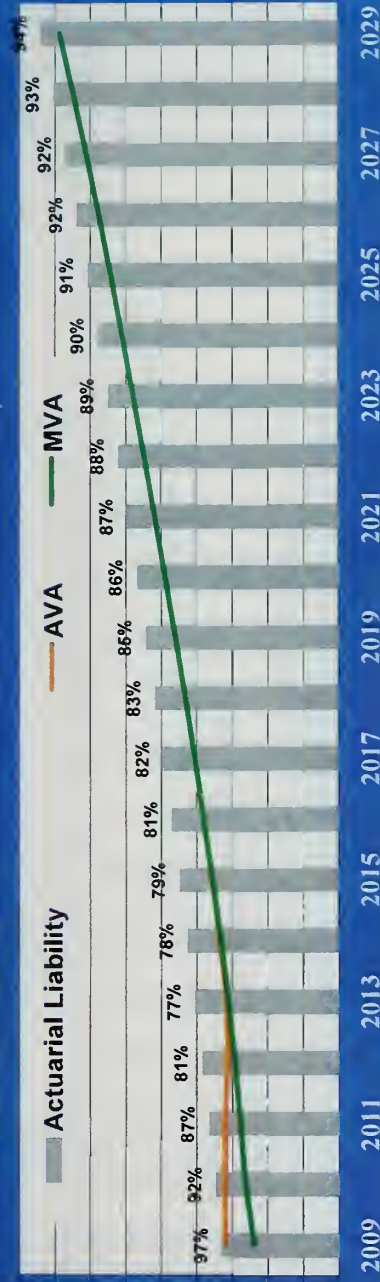
Positive

1964

Actuarial Liability

AVA

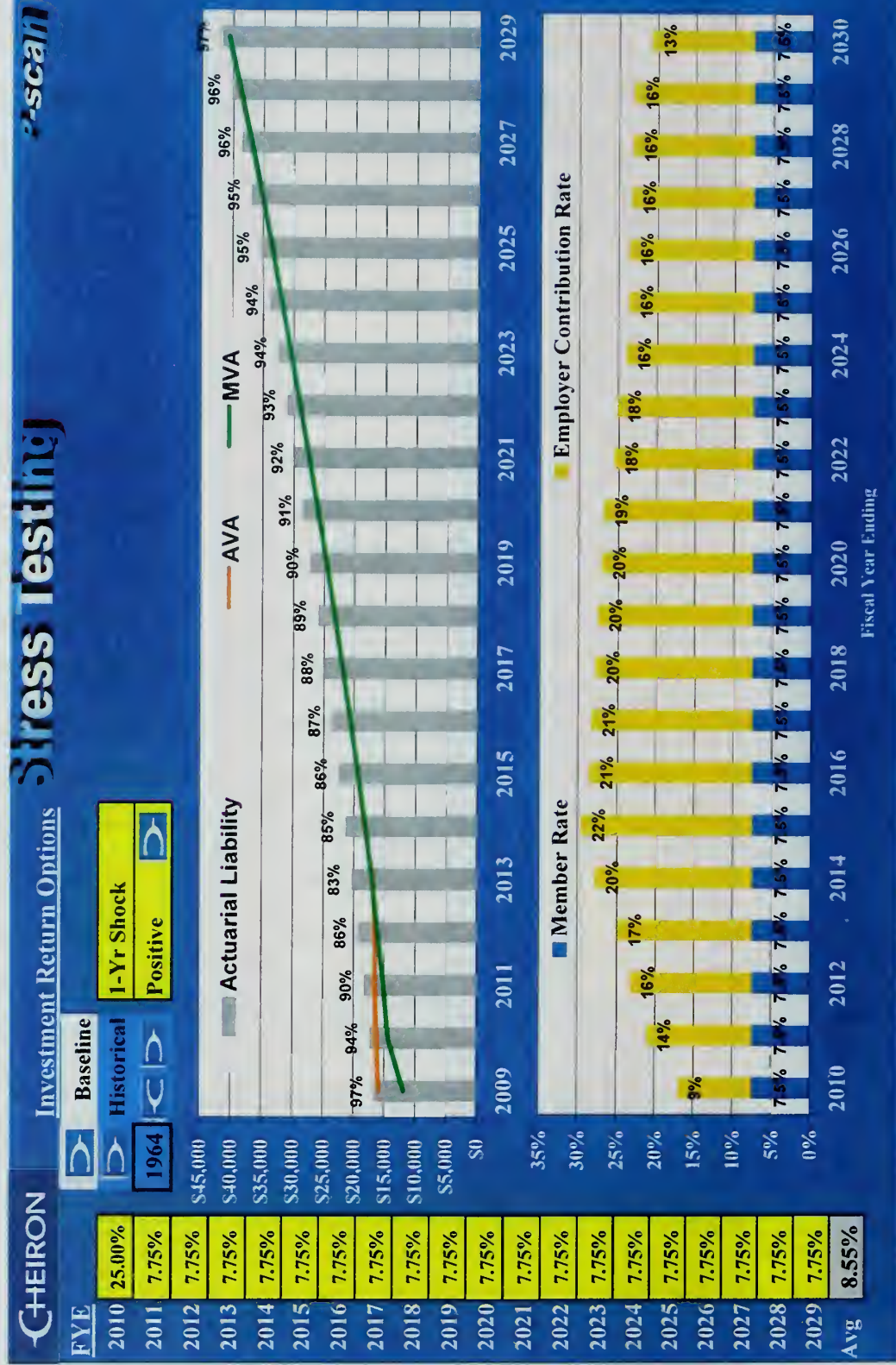
MVA



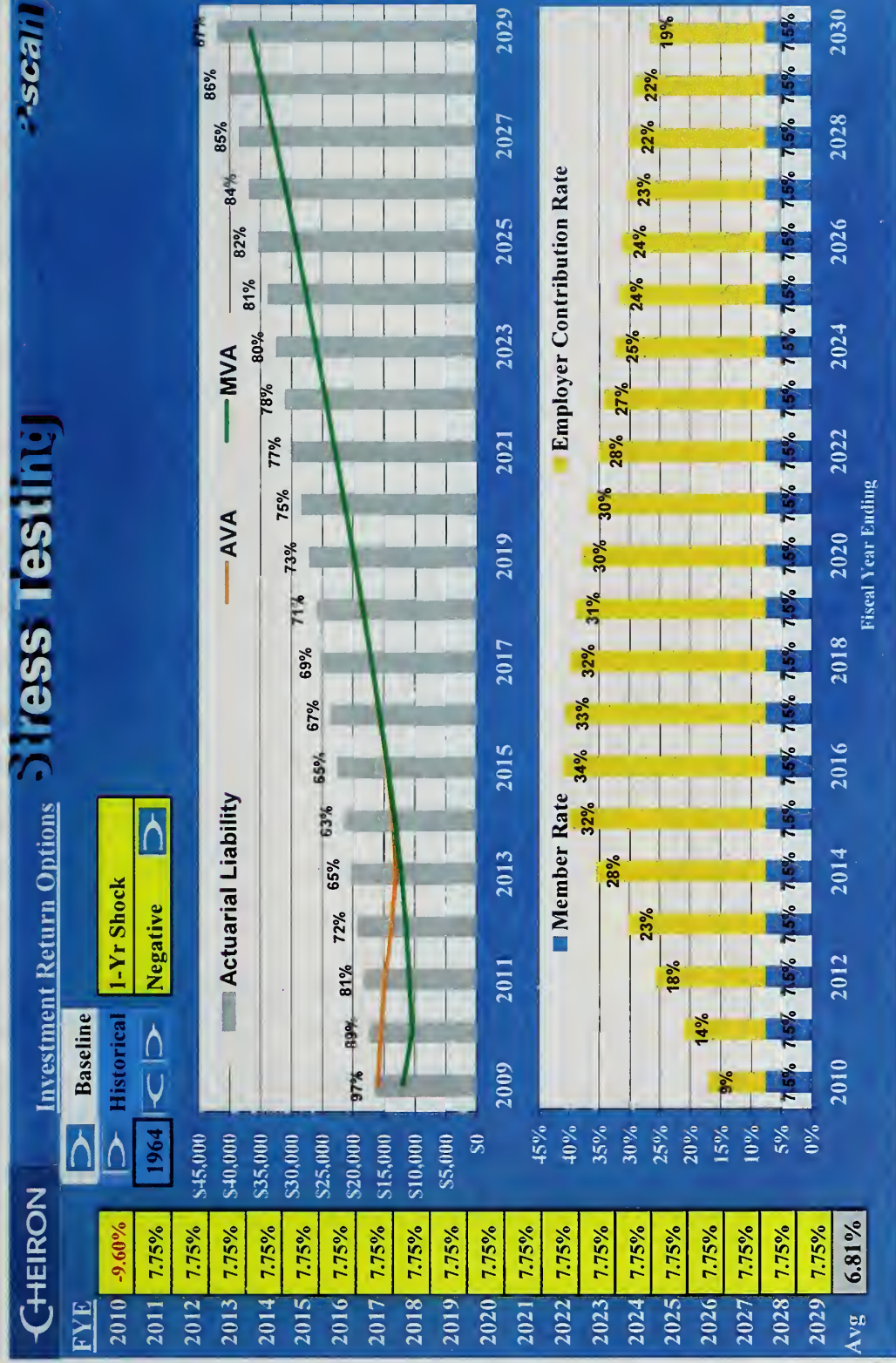
Fiscal Year Ending



Projections – Positive 1-Year Shock

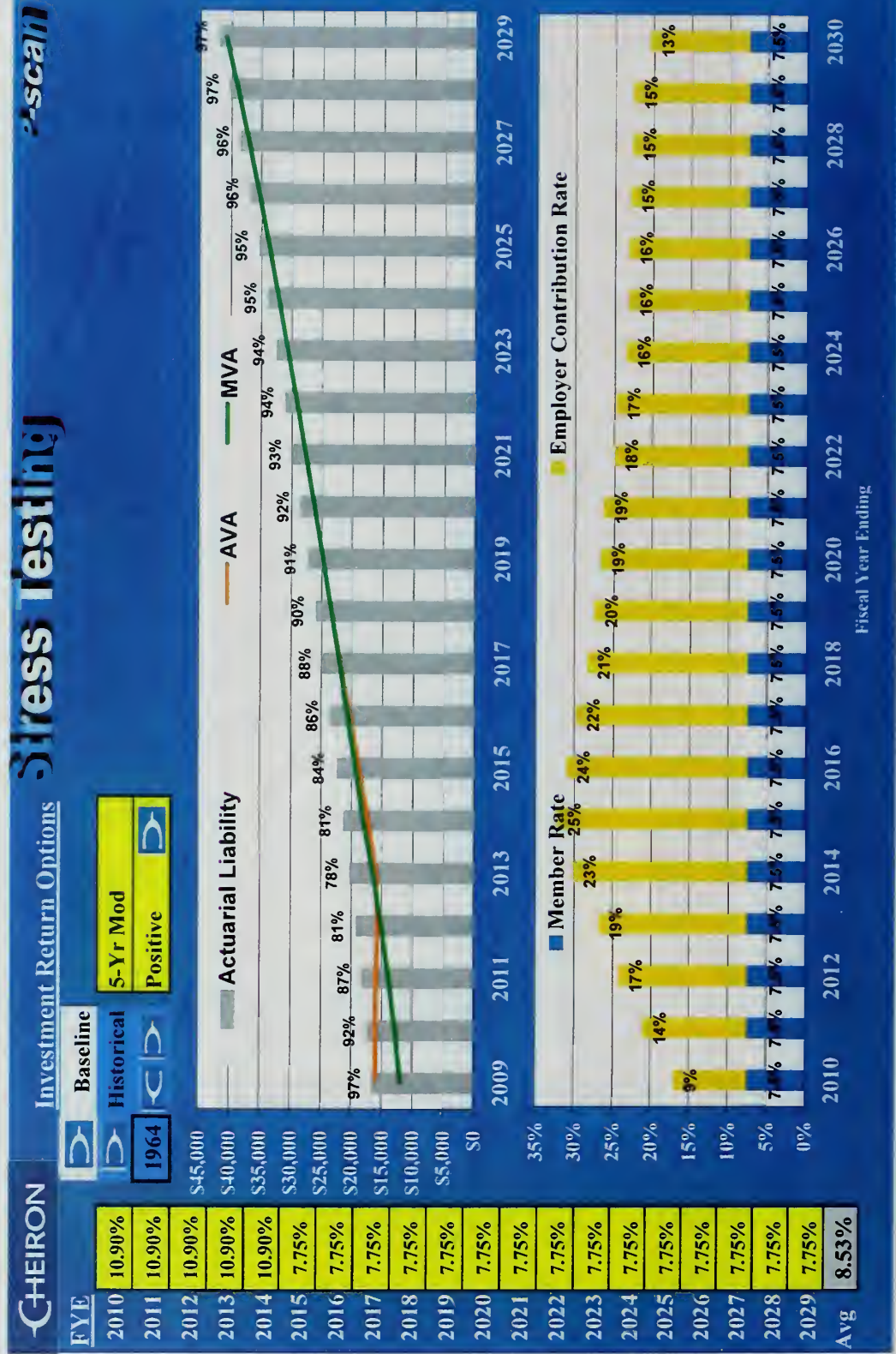


Projections – Negative 1-Year Shock

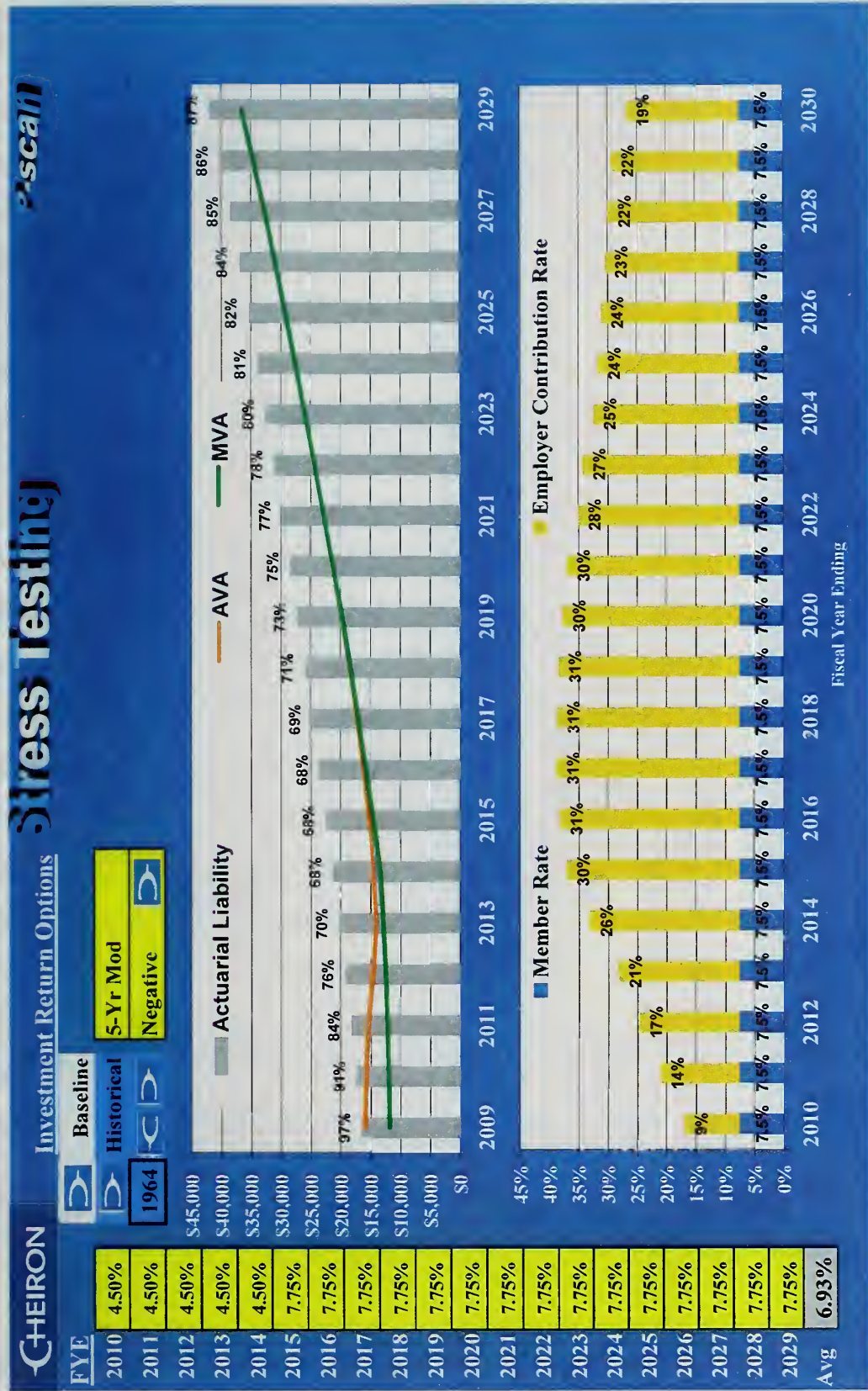


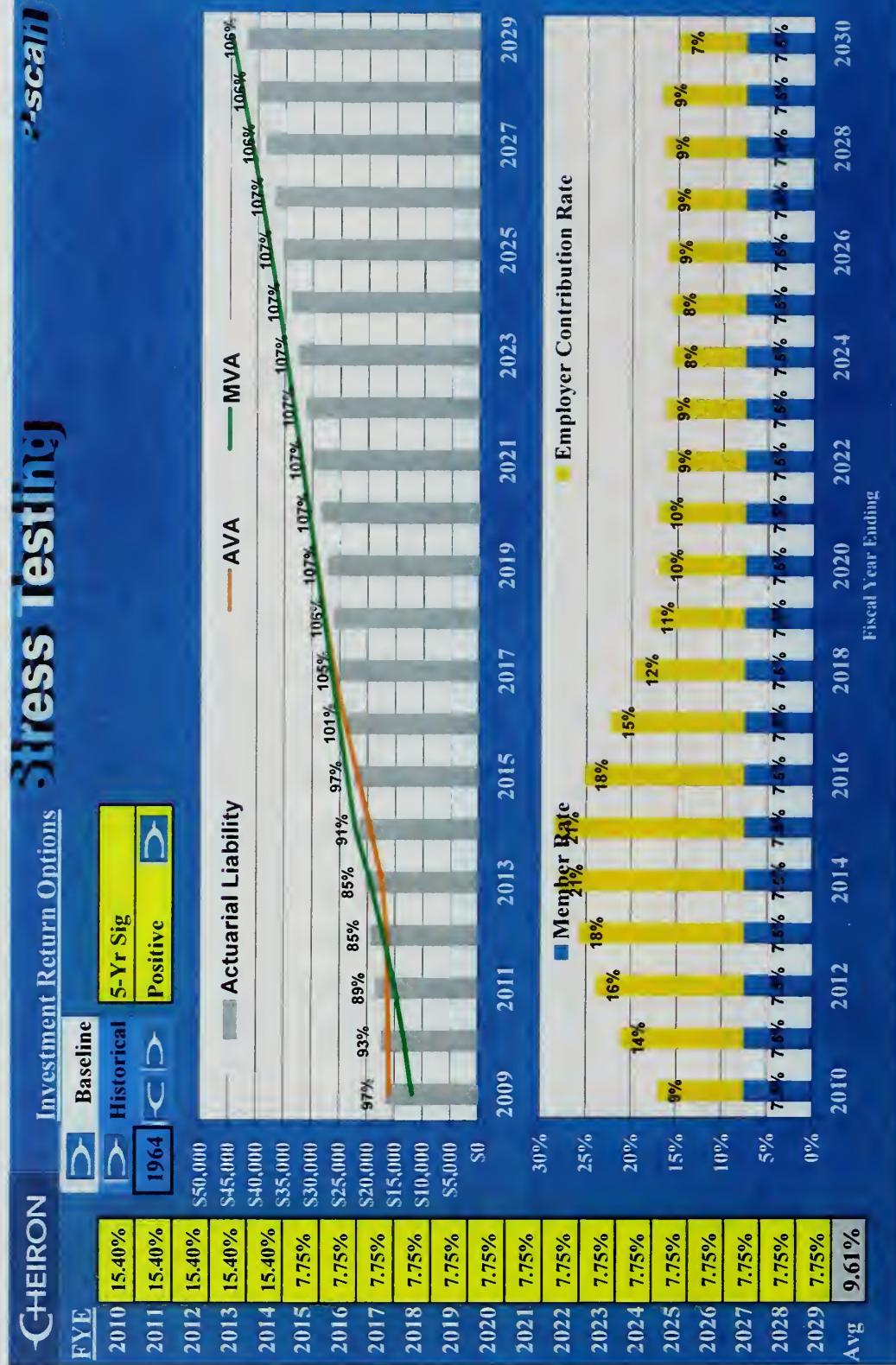


Projections – Positive 5-Year Moderate



Projections – Negative 5-Year Moderate





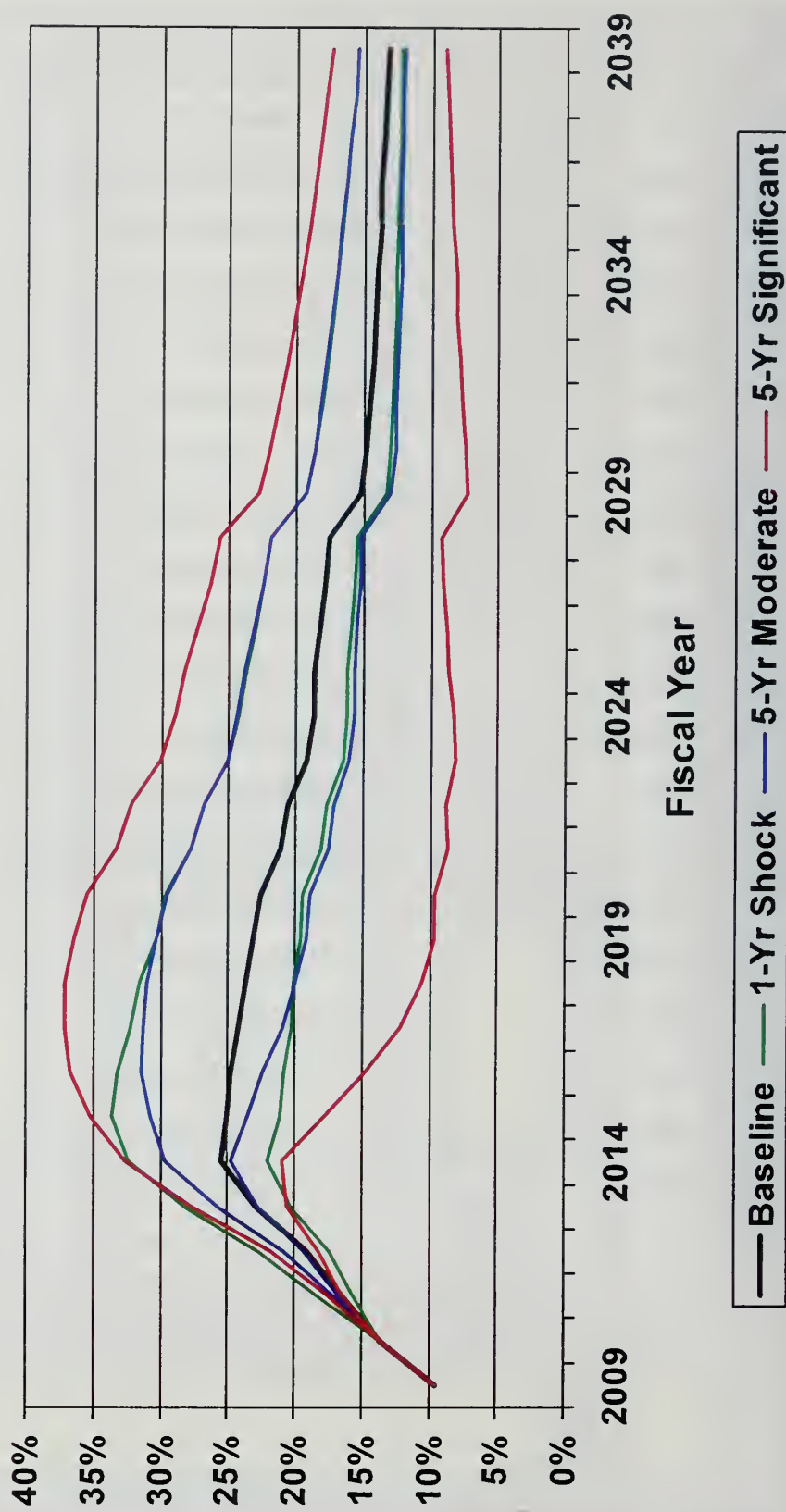
CHEIRON





Projections – Summary

Employer Contribution Rates



Closing Remarks

- Due to the unprecedented investment losses in the last fiscal year, contribution rates are expected to increase in the short-term under most economic scenarios.
- The expected pattern of contributions is determined by the actuarial methods, including the asset smoothing and amortization methods.
- The actual pattern of contributions will depend on the actuarial methods, actual plan experience, and any changes to benefit provisions resulting from future Propositions.

Next Steps

- February Board Meeting – Employer Contribution Rate Projections
- Summer 2010 – Demographic Experience Study
- November Board Meeting – Economic Experience Study

APPENDIX E

Acronyms

BOS	Board of Supervisors
CalPERS	California Pension Employees Retirement System
DB	Defined Benefit
DC	Defined Contribution
DHR	Department of Human Resources
SFFD	San Francisco Fire Department
PERS	Pension Employees Retirement System
MOU	Memo of Understanding
SFERS	San Francisco Employees Retirement System
SEIU	Service Employees International Union

